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## LIFE OF JAMES OGLETHORPE.

BY WILLIAM B. O. PEABODY.

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L I F E

OF

J A M E S O T I S ,

BY

F R A N C I S B O W E N .



## P R E F A C E.

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THE Life of James Otis, by the late William Tudor, is one of the most pleasing and instructive biographies in the whole range of American literature. It is a fine specimen of historical research, and literary taste and skill, leaving but few particulars to be gathered by the subsequent inquirer respecting the personal history of the individual commemorated. In the following sketch, I have made free use of this elegant work, omitting the historical episodes with which it abounds, and confining myself to a simple narrative of the events in which Mr. Otis was directly concerned.

But, since the publication of Mr. Tudor's book, many important materials concerning the history of the period to which it relates have been brought to light, and they furnish additional and valuable illustrations of the character and services of the subject of this biography. The third volume of Hutchinson's History of Massachusetts has been published, and, as might be expected from the personal relations of the writer

with Mr. Otis, has supplied me with many curious facts. Still more valuable for my purpose were the copies, which Mr. Sparks obtained while in England, of papers, in the office of the Board of Trade, relating to the colonial history of Massachusetts. The copious materials in manuscript, collected by the historian Chalmers, with a view to the continuation of his work, have also been opened to me, and I have gleaned from them some interesting particulars. The whole private correspondence of Governors Bernard and Hutchinson with the English ministry, during the time of Mr. Otis's public career, has been carefully examined, mostly in manuscript copies, and it has thrown much light on the conduct of him, who was their chief political opponent. The limited plan of this work made it impossible to use these materials freely for the illustration of the general history of the period; but they have contributed much towards placing in a proper view the public life of an eminent American patriot. The execution of the sketch must speak for itself. I have endeavored to make it only a faithful and succinct narrative of facts, leaving the consideration of causes and consequences to the future historian.

## J A M E S   O T I S .

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### CHAPTER I.

*Birth and Parentage of James Otis. — His Education. — Studies Law. — Removes to Boston. — Anecdotes of his Professional Career. — Marries; Particulars of his Family. — Publishes a Tract on Latin Prosody and Style. — His Literary Opinions.*

ONE of the most remarkable effects of a revolutionary period in the affairs of a nation, is its tendency to create or develop high traits of character and intellect, which, in ordinary times, would have remained dormant, or have been exerted only in a narrow sphere, without profiting the community at large, or gaining any public reputation for their possessor. Great political convulsions offer a broader stage on which to act, furnish more exciting topics to occupy and elevate the mind, and create that energy of will and enthusiasm of purpose, without which nothing

permanent or noble can ever be accomplished. A new class of men appear, with characters shaped by the difficulties they have to encounter, and abilities strengthened and developed by the higher duties which they are called upon to fulfil. Never was this effect displayed in a more striking manner than during the opening scenes of the American revolution. The exigency was great; and men of courage and capacity, wise in council and prompt in action, seemed to rise up from the earth to meet it. The oppressive measures of the British ministry sowed dragon's teeth in the colonies, and armed men, in full stature, sprang out of the ground and defeated them. The age seems prolific in great names, though the generation immediately preceding had offered few, which now appear worthy of notice and remembrance. The fathers of the revolution, as they are sometimes called, were not men ennobled merely by their appearance on the stage at the time when great scenes were passing. They took a part in those scenes with a degree of aptness and energy proportioned to the magnitude of the occasion, and displayed high qualities of character, which, before, they were hardly conscious of possessing.

Among the more eminent men thus brought into action and notice by the troublous times in which they lived, was James Otis, of Massachu-

setts, the subject of the present memoir. His part was played not so much in the revolution itself, as in the agitations and controversies by which it was heralded and its way prepared. Admirably fitted by his popular talents, legal acquirements, and ardent temperament, to take an active share in the discussion respecting the comparative rights of the colonies and the British Parliament, and in preparing the minds of his countrymen for the great step of a final separation from England, and having exhausted, as it were, his mental powers in this preparatory effort, his mind was darkened when the contest really came, and he remained an impotent spectator of the struggle, by which the liberties of his native land were at last permanently established. He sowed the seed, but was not permitted to gather in the harvest. His life was not a long one, and comprised but few personal incidents of much interest or importance. But it was devoted to the service of his country, and the story of it can be adequately told only by narrating, at some length, the events of a short but momentous period in her history.

JAMES OTIS was born at Great Marshes, now called West Barnstable, on the 5th of February, 1725. The family, from which he was descended, emigrated from England at an early period, and were among the first inhabitants of the town of

Hingham. Several members of it acquired distinction by their talents, and held offices of honor and trust in the colony. John Otis, born in 1657, removed to Barnstable, and, having gained the good-will and respect of the people there and in the vicinity, was appointed to the legislature, and afterwards held, for twenty-one years, a seat in the Council. He was also chief Judge of the Common Pleas, and Judge of Probate, the custom of the times allowing plurality of offices and the union of legislative and judicial powers in the same individual. His son, James Otis, was born in 1702, and acquired reputation and influence as a member of the bar, and, in public life, as an officer of the militia, a Justice of the Common Pleas and of Probate, and a Councillor of the Province. He married Mary Allyne, by whom he had thirteen children, of whom James, the subject of this memoir, was the eldest. The youngest was Samuel Allyne, who survived his father and brother, and was for a long period Secretary of the Senate of the United States. The eldest daughter, Mercy, married James Warren, of Plymouth, and became noted in politics and literature, to which she devoted a large share of her attention. She sympathized with her husband and brother in their ardent attachment to the cause of the revolution, and became deeply interested in the exciting events of those times. She

published an anonymous political satire, called "The Group," in 1775, a volume of poems in 1790, and a History of the American Revolution, a work of considerable repute in its day, in 1805.

The father of these children, usually called Colonel Otis, of Barnstable, to distinguish him from his more celebrated son, was more indebted to nature than to education for the reputation which he acquired. But he determined, that his sons should enjoy the advantage of early and thorough instruction, of which he had felt the want himself. James Otis pursued his classical studies under the tuition of the Reverend Jonathan Russell, the clergyman of the parish, and entered at Harvard College in June, 1739. But little is known of his habits and character as a student. It is not probable, that he showed much diligence or obtained great success, for the liveliness of his spirits and his ardent temperament were better suited to the calls of society and friendship, than to the grave and lonely pursuits of the scholar. But his mind was quick and active, and, being stimulated by the desire of distinction, was capable of severe, though immethodical, application to books. And, although, in the later part of his life, he made no pretensions to scholarship, his writings showed a cultivated taste and a love of literary pursuits, which

were gratified so far as his numerous engagements in public life would permit.

✓ The last two years of his college life were particularly marked by assiduity in study, and it is said, that he then gave striking indications of the eminent talents which he possessed. While at home, during the vacations in this period, he devoted himself so closely to his books, that he was seldom seen by his friends ; and often it was not known that he had returned, till he had been in his father's house for some days. But when he did take a share in the common amusements of youth, he displayed considerable humor, and all the vivacity and earnestness of an excitable temperament.] His biographer relates, that, as he had some skill with the violin, a small party of young persons, who came together during one of the vacations, persuaded him to play for them to dance. He complied ; but, when they were busily engaged, he suddenly stopped, and exclaimed, "So fiddled Orpheus, and so danced the brutes !" and then threw aside the instrument, and ran off into the garden, while his companions converted the intended dance into a merry scamper after the fugitive musician.

✓ He took his first degree in college in 1743, and became master of arts, in regular course, three years afterwards. We find record of only

one public exercise performed by him while at Cambridge;) it was that of a syllogistic disputation, held at the commencement when he graduated.

✓ Mr. Otis intended to qualify himself to practise law; but he did not engage in the appropriate studies for this end immediately on leaving college. He wisely gave nearly two years to the pursuits of general literature and science; aiming thereby to lay broad and deep the foundations for his professional studies.) It is much to be wished, at the present day, that many others were as wise as he in this respect. It is the peculiar misfortune of this country, that, the openings into active life being numerous and easily accessible, young men are tempted into them with hurried and imperfect preparation, and with their minds still in doubt whether they have really hit upon the most desirable and appropriate profession, after all. It is admitted on all hands, that, in order to have a fair prospect of success in professional pursuits, one must pay some attention to the general culture of mind before engaging in them; but how narrow and insecure must be this common basis for future effort of any kind, if the preparation of it must cease at the early period when pupils in this country usually obtain their first degree! How unworthy of its name must be the “liberal education,” which

is thus finished in early boyhood! It may indeed suffice to produce an able lawyer, a skilful physician, or a sound divine, though we may reasonably question whether this effect is frequently produced; but for the education of the whole man, it is profitless and wrong.

On this head, it may be well to quote some remarks which Mr. Otis, at a later period of his life, addressed to his father, in reference to the preparation of his younger brother, Samuel Allynne Otis, for the practice of law. The letter was written in 1760, but is properly introduced here, as the writer speaks of his early experience, and shows the enlarged and generous views on this subject, which a sound judgment and good opportunities for observation are sure to form.

“It is with sincerest pleasure I find my brother Samuel has well employed his time during his residence at home. I am sure you don’t think the time long he is spending in his present course of studies; since it is past all doubt they are not only ornamental and useful, but indispensably necessary preparatories for the figure I hope one day, for his and your sake, as well as my own, to see him make in the profession he is determined to pursue. ~~I~~ am sure the year and a half I spent in the same way, after leaving the academy, was as well spent as any part of my life; and I shall always lament I did not

take a year or two further for more general inquiries in the arts and sciences, before I sat down to the laborious study of the laws of my country.) My brother's judgment can't at present be supposed to be ripe enough for so severe an exercise as the proper reading and well digesting the common law. Very sure I am, if he would stay a year or two from the time of his degree, before he begins with the law, he will be able to make better progress in one week, than he could now, without a miracle, in six. Early and short clerkships, and a premature rushing into practice, without a competent ✓ knowledge in the theory of law, have blasted the hopes, and ruined the expectations, formed by the parents of most of the students in the profession, who have fallen within my observation for these ten or fifteen years past."

He then cites the examples of Sir Peter King, Chief Justice Pemberton, and Mr. John Reed, a distinguished American lawyer, all of whom began the study at quite a late period in life, but subsequently obtained great eminence in the profession.

"I mention these instances, not as arguments to prove it would be most eligible to stay till thirty or forty, before a man begins the study of a profession he is to live by; but this inference I think very fairly follows, that those gen-

tlemen availed themselves much of the ripeness of their judgments when they began this study, and made much swifter progress than a young man of twenty, with all the genius in the world, could do ; or they would have been approaching superannuation, before they could be equipped with a sufficient degree of learning once to give hope for the success they found ; and then such hope would vanish, unless they could get a new lease of life and understanding."

In conformity with these views of the necessity of a generous and comprehensive culture of the mind as a means of success at the bar, Mr. Otis constantly inculcated upon the young men who were studying in his office the maxim, "that a lawyer ought never to be without a volume of natural or public law, or moral philosophy, on his table or in his pocket." He appears to have formed a very correct judgment respecting the nature of professional education, and the best means of mastering the abstruse science of the law, long before the path to this object had been smoothed by the multiplication of elementary works, and by other modern improvements. In conversation with his brother on this subject, he remarked, "that Blackstone's Commentaries would have saved him seven years' labor, poring over and delving in black letter."

He began the study of the law in 1745, in

the office of Timothy Gridley, one of the principal lawyers and civilians in America at this time. It is not unlikely, that Otis imbibed his first principles in politics, as well as in law, from this instructor, who was a whig, and, as a member of the General Court, acted in opposition to the measures of the ministry. At a later period, however, Gridley was appointed Attorney-General of the province, and was thus obliged to defend the celebrated "Writs of Assistance," when he was opposed and wholly confuted by his former pupil.

After completing his studies, Mr. Otis removed to Plymouth, where he was admitted to the bar. He took an office in the main street of that town, and there practised law in 1748 and 1749, during which time his name often appears on the records of the court, though it is found but once on the town records, where he is rated at "£20 personal estate and faculty." But the narrow range of business in so small a town did not comport with his character and hopes, and he removed to Boston, where he soon rose to the first rank in his profession. His fame as an advocate, and his reputation for learning and integrity, became known in the other colonies, and he was often employed in the management of suits at a distance from home. On one occasion, he was engaged to go

to Halifax, in the middle of winter, to defend three men accused of piracy; and he succeeded in procuring their acquittal. For this service, he is said to have received the largest fee, that was ever given to an advocate in the province.

He always maintained a high character at the bar, not only for ordinary integrity and fairness, but for a lofty disregard of the quirks and subtleties of the law, a resort to which is too often deemed allowable in common practice. A nice sense of honor was one of the most striking points in his energetic and strongly-marked character. Conscious of possessing eminent abilities and extensive learning, he was too proud to suffer the success of his cause to be attributed to any petty arts or undue evasions. Governor Hutchinson, whose testimony in this respect is of great weight, as he was a political and personal opponent, remarked, "that he never knew fairer or more noble conduct in a pleader than in Otis; that he always disdained to take advantage of any clerical error or similar inadvertence, but passed over minor points, and defended his causes solely on their broad and substantial foundations."

He was once employed in a suit to recover the amount of a bill, which the defendant alleged had been paid, though he could produce no evidence of the fact. The plaintiff was a

man of reputable standing, and Mr. Otis, who was employed by him, had no suspicion of his dishonesty. But during the trial, as the man was looking after some document in his pocket-book, Otis happened to see among the papers a receipt in full for this very demand. It appears, that this paper had fallen into his hands by some accident, and he availed himself of it to attempt to recover the debt a second time. Otis immediately took him aside, and said to him, "You are a pretty rascal; there is a receipt for the very demand now before the court." The plaintiff at once acknowledged the fact, but begged his advocate not to expose him. Otis immediately remarked to the court, that it was unnecessary to carry the cause any further, as he was now convinced that the demand was unfounded, and he begged that his client might be nonsuited. Hutchinson, who was the judge, did not know at the time the reasons for this proceeding, but he paid Otis some natural compliments on the integrity and frankness of his conduct, and remarked, that much litigation would be saved, if it were generally imitated.

A custom of English origin existed, at this period, in many parts of Massachusetts, of celebrating, with much noisy sport, the anniversary of the famous Gunpowder Plot. The 5th of November was called "Pope Day," and, as on

certain days of the Carnival in Catholic countries, license was given to men and boys to amuse themselves by some extravagant frolics, and not unfrequently with political pasquinades. A stage was carried about the streets, on which were burlesque effigies of the Pope, the Devil, and the Pretender, and, usually, the figure of some luckless politician or officer of the crown, who had incurred the ill-will of the people, bore them company. On one of these occasions, at Plymouth, the frolic degenerated into a riot. During the disturbance, some windows were broken, and other trespasses committed, for which the offenders were prosecuted. Mr. Otis was employed to plead their cause. As he thought the prosecution was an ill-natured and vindictive one, he engaged in the defence with much spirit, and described the affair as a common, annual frolic, undertaken, without malice, by some thoughtless young men, and carried through without doing much harm. A verdict of acquittal was rendered, and the advocate refused any fee for his services.

These few anecdotes give but an imperfect idea of the professional career of Mr. Otis. But, with the exception of a few unimportant extracts from a book in which were recorded all his ordinary business letters, they are the only memorials, which remain to us, of that long and important

period of his life, which preceded his introduction to political affairs. Tradition preserves a vague impression, but no detailed account, of his appearance and manners while at the bar, and of the chief characteristics of his common forensic efforts. Very few sketches of his arguments are preserved, but the fragments that we do possess are deeply tinged with those peculiarities of thought and language, which common report attributes to his oratory. The transitions are sudden, the figures are bold and sometimes a little incoherent, the reasoning rapid and concise, and the application of it to the case in hand close and overwhelming. His admitted superiority over his associates at the bar, and the natural impetuosity of his feelings, sometimes betrayed him into dogmatism; and his manner, though courteous towards his acquaintances and people whom he liked, towards his political opponents was sufficiently imperious and unguarded. At one time, having cited Domat in the course of an argument, Governor Bernard inquired "who he was." Otis answered, that "he was a very distinguished civilian, and not the less an authority for being unknown to your excellency."

In the spring of 1755, Mr. Otis married Miss Ruth Cunningham, the beautiful and well-endowed daughter of a respectable merchant. The

match can hardly be considered as a fortunate one, though it was founded on mutual attachment. The quiet and rather formal character of the wife did not harmonize with the hasty temper, resolute purpose, and occasionally eccentric conduct of the husband. Besides, her opinions did not coincide with his on political topics, and the dissension thus created between them afforded another example to show how often unhappiness is carried into domestic life by public contests, which partake of the nature of a civil war.

One son and two daughters were the offspring of this unhappy marriage. The son, who was named after his father, and is said to have been a boy of very bright parts and some eccentricity, entered the navy, at the beginning of the war, as a midshipman, and died before he was eighteen. The eldest daughter, Elizabeth, married Captain Brown, an officer in the English army. He was wounded at the battle of Bunker's Hill, was then promoted, and placed in a subordinate command on the coast of England. He was of a good family in Lincolnshire, and, after his marriage, coming into possession of a handsome property, he left the army, and went into private life. It was a bitter thing for Mr. Otis, that his daughter should find a husband in the ranks of that army, which he considered as

sent for the purpose of enslaving his country. The match was formed under the auspices of Mrs. Otis, during the period of her husband's mental alienation. He often recurred to the subject in his unsettled state of mind, and it always appeared to exasperate him. But his wife, we are told, never lost her tenderness and respect for him; and, amidst the embarrassment of his own affairs, he safely preserved her fortune, which, after her decease, that took place in 1789, was divided between her children.

Mr. Otis's second daughter, Mary, married Benjamin Lincoln, eldest son of General Lincoln, who commanded in Carolina, and received the sword of Cornwallis at Yorktown. The son was a member of the bar, and appeared likely to obtain much eminence in his profession; but he died at the early age of twenty-eight. Two sons were the offspring of this alliance, who, like their father, died in early manhood. The widow, Mrs. Lincoln, died in Cambridge, in 1806.

But little remains to be added to this account of the early life of Mr. Otis, before he engaged in public affairs. Notwithstanding his eminence in the profession, and the multiplicity of engagements which consequently devolved upon him, he found some time for literary pursuits, and, in 1760, he published a small tract, a copy of which is now very rare, and is prized only for the light

it casts on his tastes and character. It was entitled "The Rudiments of Latin Prosody, with a Dissertation on Letters, and the Principles of Harmony in Poetic and Prosaic Composition: Collected from some of the best Writers." It was printed and published, in a pamphlet of seventy-two pages, by B. Mecom, in Boston. The first part is a very elementary treatise on prosody, like those which are attached to most Latin grammars. Good text-books, for the classical education of boys, were rare in those days, and Mr. Otis probably aimed at nothing higher than the preparation of a concise and perspicuous treatise, which might be used to advantage in the common schools. He remarked, in conversation, that he had attempted to accomplish for prosody what Cheever, the instructor of one of the public schools in Boston, had done for grammar in his "Accidence." The second part of the book, in which he treats of letters and the proper mode of enunciating them, and gives his views respecting the distinction made by the Greeks and Romans between accent and quantity, and respecting the principles of harmony in style, has but little intrinsic value. Portions of it are tolerably well written, and it contains some judicious remarks. But, as a whole, it has been entirely superseded by the abler productions of later writers. A part of it contains an elaborate

account of the disposition of the several organs of speech for uttering the elementary sounds of the alphabet, which the author would hardly have ventured to write, if he had read some laughable scenes in the *Bourgeois Gentilhomme* of Molière. A short extract may give some idea of the manner and purpose of the book, and show how much care and study Mr. Otis devoted to the formation of a proper style of writing and delivery.

“ An early disgust towards elements, and, of course, a total neglect of them, have been very detrimental to the growth of science. This is one cause, that mankind are sometimes entertained by sentiment without harmony; at other times, with warbling through whole volumes as void of thought as the songs of the lark; and, what is worse than all, perplexed with an infinity of productions, in which there is neither meaning nor music. Well, then, may we admire the writings that have weathered the wreck of ages, and baffled the most rigid examination.

“ There have been, indeed, great abuses in the methods of teaching rules, especially those of grammar. But these errors have been so fully refuted, and so generally exploded, that the best masters are now endeavoring to inform the understandings of youth, rather than to load and lumber their memories. All rules worth the teaching are but the most critical observations

drawn from nature and reason, or the masterly practice of the best performers in any art. And, as the reason of the learner strengthens, the principles and connections of the liberal arts in general should be more fully explained, in some familiar method. The neglect of this has been one cause, that many have remained children all their days."

It is known, that Mr. Otis prepared another work of a similar character on Greek prosody; but it was never printed, and the only copy was lost at the time when he destroyed all his manuscripts. His fondness for classical studies was evinced by his admiration of the Greek poets, especially of Homer; and he was wont to say, that it was impossible to relish poetry, in any language, without a thorough knowledge of its prosody. When he was once asked to print this treatise on Greek prosody, he replied, "that there were no Greek types in the country; and if there were, that no printer knew how to set them."

With a literary taste thus formed and matured by the study of the best models of antiquity, it is not surprising, that his opinions, on matters of criticism and scholarship, were those of the old school, and that he decried all the affected forms of modern innovation in letters, which had begun to manifest themselves even in his day. He liked to converse with young persons on these subjects,

and often objected to their fondness for the latest poets then in vogue, and their consequent neglect of the standard works in this department of English literature. To the late James Perkins, of Boston, who was intimate in his family, he once remarked, "These lads are very fond of talking about poetry, and repeating passages of it. The poets they quote I know nothing of; but do you take care, James, that you don't give into this folly. If you want to read poetry, read Shakspeare, Milton, Dryden, and Pope, and throw all the rest in the fire; these are all that are worth reading." As Darwin, Hayley, and the poets of the Della Cruscan school, flourished about this time, it must be admitted, that more seasonable and judicious advice than this could not be given. And, even in our own days, when the popularity of a class of versifiers, remarkable for nothing but vagueness, mysticism, and sickly refinement, threatens to displace all the old canons of criticism, no more effectual remedy for the evil can be devised than a recurrence to this sage counsel, given sixty or seventy years ago.

From these imperfect notices and anecdotes, which throw but a feeble light on the earlier portion of Mr. Otis's career, and manifest but few traits in his character, we pass to those animating topics, the discussion of which, at a period as early as 1760, agitated all the English colonies

in America. Nowhere were they debated with more warmth and earnestness than in Massachusetts, nor by any person with greater zeal and success than by James Otis. His high standing at the bar, his enthusiastic spirit, great learning, and commanding eloquence, enabled him to enter upon public life to great advantage; and he acted his new part with so much power and address, that, very soon, the eyes of all persons, both in this country and in England, who were interested in these matters, were turned upon him. In order to understand what position he then occupied, it is necessary to take a preliminary view of the political condition of the country, and of the state of the question at that time between the Americans and the English ministry.

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## CHAPTER II.

*Preliminary View of the Questions at Issue between England and the Colonies, and of the Part taken by Mr. Otis in the Discussion.*

THE exact nature and limits of the dependence of the colonies in America on the English Crown and Parliament were never clearly defined. The

matter was in great part left to determine itself, the provisions in the charters being comparatively few and vague, and the ever-changing circumstances of the colonists, arising from the influx of population, the rapid extension of their settlements, their frequent wars with the Indians and the French, and the opening of new avenues for the industry and enterprise of the people, constantly lessening the applicability of these provisions, and creating new emergencies and questions, which had not been foreseen, and consequently not provided for, when these instruments were drawn up. The necessity of the case, growing out of the situation of the colonists in a wilderness, at so great a distance from the parent country, obliged them to exert some powers which were never expressly granted to them, and to divert others to purposes which were never contemplated by the grantors. They were obliged, at times, to exert all the attributes<sup>r</sup> of independent sovereignties, and to make war and peace with the native tribes, and sometimes even with the French, without consultation with the powers at home, to whom, nevertheless, they acknowledged allegiance. When the brand and the tomahawk were at their doors, they had no time to wait and inquire of the English ministry, whether they were at liberty to go to war with the aggressors. Most of the struggles with the

Indians were commenced by the independent action of the people here, and supported out of their own resources. Neither counsel nor encouragement was received from the authorities in England.

As early as 1644, a formal and written agreement was made between John Endicot, Governor of Massachusetts, and M. D'Aulney, Governor of the French province of Acadia, by which it was stipulated, that there should be firm peace and free trade between the inhabitants of the two colonies; and the final ratification of this treaty was referred, not to the king or the ministry of England, but to the next meeting of the commissioners of the united colonies of New England. And of this union of the New England colonies, embracing Massachusetts, Plymouth, Connecticut, and New Haven, it may be remarked, that it was made, in 1643, without any grant of authority from England, without any consultation with the administrators of English affairs, and without any provision in either of the charters empowering the people to form such a confederacy. The colonists were reproached, at the time, with arrogating to themselves the rights of sovereignty in this transaction; but Hutchinson says, that "the confederacy was acknowledged and countenanced by the authority in England, from its beginning until the restoration;

and, in letters from King Charles the Second, notice is taken of it without any exception to the establishment."

A still more striking instance of the exercise of independent power by the colonists may be found at an earlier page in their history, when the charter of Massachusetts, originally designed only for the direction of a private mercantile company in England, was arbitrarily transferred to America, and its provisions stretched so as to meet all the exigencies of a newly-formed government here, without any license from King or Parliament. It is, at least, doubtful whether those who inflicted capital punishment on offenders under a charter thus obtained, especially when, as was frequently the case, the crime was not recognized as capital in England, did not, by the strict letter of the law, make themselves liable to trial for murder. But our Puritan fathers never contemplated such possible consequences of their own acts as these ; for, in their new home in the wilderness, they held themselves accountable only to God for their conduct. They claimed the rights, and exercised the privileges, of Englishmen ; but they acknowledged none of the duties pertaining to that character, except such as they deemed compatible with their novel situation.

The reason, why the exercise of these unlimited

and unconfirmed powers was never challenged by the authorities at home, is to be found partly in the necessity of the case, to which we have already alluded, and partly in the comparative insignificance of the colonies at this early period. King and Parliament, absorbed in disputes with each other, and in attempts to settle the succession to the crown, knew little and cared less about the actions of a few poor exiles, on a wild coast two or three thousand miles distant. The emigrants to America and their immediate descendants were thus left to grow up with a freedom as unrestrained as that of the wild animals and native tribes, whom they dispossessed of their ancient forests. Not till their feeble settlements had expanded into large and flourishing communities, capable at once of supporting themselves and of rendering important aid to the land of their origin, did they attract the serious attention of that authority, which they had always acknowledged in theory, while they had almost wholly disregarded it in practice. The child grew to man's estate, and then, at last, commanded the notice of the parent, who demanded of it that measure of filial obedience, which its unrestrained and unprotected condition during its minority had not prepared it to render. High privileges, so easily gained and so long exercised, could not be surrendered willingly and

without a struggle. Prescription had taken the place of positive enactment. Respect for the age of such gray-haired rights seemed to prohibit all inquiry into the legitimacy of their birth. The colonists, therefore, steadily resisted every attempt to bring down their immunities to the strict letter of the law, or to ascertain and limit their rights by a strict construction of the charters.

Still, they acknowledged that they were subjects of the British Crown, and that the laws of the English Parliament were of paramount authority. The ties of kindred blood, a common language, and a common allegiance were neither forgotten, nor held in slight esteem. We find, from the private correspondence of individuals, that down even to the period of the Stamp Act, the colonists were accustomed to speak of England as their "home," and to consider themselves as linked to it by the ties of domestic affection. From a business letter, written by Mr. Otis in 1764, his biographer quotes the following phrases; "but has the cause continued, to know from *home* if he is chargeable?" and "since the matter was concluded by them, and the terms sent *home* for approbation."

As a consequence of this strong affection for the mother country, and this frank acknowledg-

ment of their position as British subjects, and even while they were in the heat of the contest against the oppressive measures of the English ministry, the most judicious and patriotic Americans admitted the supreme authority of Parliament, and its power to bind the colonies, in the most explicit terms. In a pamphlet, written by Mr. Otis, in 1764, entitled "The Rights of the British Colonies asserted and proved," he holds the following decisive language upon this subject;

"I also lay it down as one of the first principles, from whence I intend to deduce the civil rights of the British colonies, that all of them are subject to, and dependent on, Great Britain ; and that, therefore, as over subordinate governments, the Parliament has an undoubted power and lawful authority to make acts for the general good, that, by naming them, shall and ought to be equally binding, as upon the subjects of Great Britain within the realm. This principle, I presume, will be readily granted on the other side of the Atlantic. It has been practised upon for twenty years, to my knowledge, in the province of the Massachusetts Bay ; and I have ever received it, that it has been so, from the beginning, in this and the sister provinces, through the continent." He goes on to say, "I am aware some will think it is time for me to retreat, after

having expressed the power of the British Parliament in quite so strong terms."

Why, then, did the colonists deny the right of Parliament to tax America? Practically, the answer was, that Parliament had never attempted to exercise this power since the first establishment of the settlements, and an immunity which they had quietly enjoyed for a hundred and fifty years, they were not disposed readily to abandon. But the disuse of an admitted power for a given period of years affords no argument for its total abandonment, since there may have been no proper occasion for calling it into exercise. Theoretically, therefore, the answer was, that British subjects could not be taxed by a body in which they were not represented; and this is the reply which was urged by Mr. Otis with great force. The former answer, however, not expressly stated, but silently operating on the minds of all, was the one that really influenced the Americans, and created among them the universal opposition to the Stamp Act. They resisted all the measures of the British ministry, for which there was no precedent in their own annals, though these measures may have been unquestionably justified by the letter of English law.

And there was good theoretical ground, also, for this position, since it was defended by undoubted precedents in the mother country. The

British constitution is unwritten. The rights of the subject have silently grown up under it, by usage and sufferance, for the most part; otherwise, the theory that Parliament is omnipotent would enable that body to prostrate these rights at any time. The sweeping terms in which the duty of allegiance to the Crown and of submission to Parliament was acknowledged, were qualified, both in England and America, by immemorial usage. When the privileges of the subject were in question, the cry was, Parliament has no right to do *now* what it has never attempted to do *before*.

But the British ministry, in 1763, did not admit this principle, so far as it applied to America. They were not disposed to regard the subjects of the crown in this country as possessing an equality of rights with those who were born in England, nor to permit long immunity and sufferance to serve for the ultimate establishment of the privileges which were claimed. Mr. Otis openly accused them of considering all the British colonies "rather as a parcel of little, insignificant, conquered islands, than as a very extensive settlement on the continent." He said, that they used the argument of the Dutch, who, when they are asked why they enslave their colonies, reply, "that the liberty of Dutchmen is confined to Holland." "A sentiment this," adds

Mr. Otis, "very worthy of modern Dutchmen; but it will never suit with a British constitution." In the eyes of the ministry, the colonists were now too numerous to be neglected, too dependent in condition to defend disputed rights, and yet too rich and powerful to be excused any longer from bearing a portion of the burdens of the parent state. The argument for taxing America was expressed by Dr. Johnson, in his blunt way, by saying, that "the ox has no reason to complain of the aggravation of the burdens that were imposed on the calf." They forgot, that *the horns of the ox had grown*; that, if the Americans were now more able to pay taxes, they were also more able to defend themselves against unjust impositions.

Unable to find a precedent for direct taxation, and appalled for a time by the resolute attitude assumed by the colonists in opposition to the Stamp Act, the ministry attempted to gain their end by indirect means; to tax America under pretence of regulating its trade. The Americans had always admitted, in general terms, that Parliament had the exclusive right to regulate trade; but practically, and favored by their former insignificance and their remoteness from the parent country, they had always evaded these regulations, and had enjoyed as wide a license in commerce as in the management of

their domestic affairs. A large part of the trade maintained by the northern colonies was known to be contraband, and the constant endeavors of the government to enforce the Navigation Act, and the other regulations of commerce, had no other effect than to increase the irritation of the Americans. They had long maintained a lucrative traffic with the French and Spanish colonies in North and South America and the West Indies, which was mutually beneficial, as commodities were exchanged, that would have been valueless to their original possessors. Though this trade was kept up in direct contravention of the Navigation Act, it was so broadly connived at for a long period, that it was pursued without disguise or molestation. When the government at last attempted to check this irregular proceeding, and confiscated some of the vessels employed in this traffic, the Americans resented the tardy enforcement of the law as an infringement of the liberties which they had long enjoyed. When the ministry went one step further, and proceeded to put new restrictions upon commerce, with the avowed purpose of raising a revenue by indirect means, the irritation felt by the colonists was increased to frenzy, and the bonds which had so long held the British empire together were severed at once.

One cause deserves to be noticed as prominent

among the reasons, which incited the English ministry to fresh acts of oppression, blinded them as to the probable consequences of these acts, and constantly fanned the irritation and excitement of the American people. We refer to the presence in the colonies of officers appointed by the crown, who were not responsible to the colonial legislatures, nor dependent on them for their salaries, whose duties were of an invidious nature, and whose interest it was to transmit pernicious counsels and erroneous information to the government at home. This description applies to the officers of the revenue, the agents of the customs, and, though in a less degree, to the governors appointed by royal authority. After the ancient charter of Massachusetts had been annulled, and a new one was granted in 1691, the appointment of the governor, the deputy governor, secretary, and some other officers, was reserved to the crown. But this innovation only irritated the people of the province, by depriving them of an ancient privilege, and no political advantage accrued from it to the English government. The historian Grahame wisely remarks, that "the power that was wrested from the colonists, and appropriated by the crown, was quite inadequate to the formation of an efficient royal party in the province. The appointment of the governor and other officers

was regarded as a badge of dependence, instead of forming a bond of union. The popular assemblies retained sufficient influence over the governors to curb them in the execution of obnoxious measures, and sufficient power to restrain them from making any serious inroad on the constitution."

While the revenue officers were hated, insulted, and even mobbed by the people, the governors were engaged in a profitless war of words with the provincial legislatures, and in transmitting angry complaints and deceptive reports to the ministry in England. This must always be the state of things, when the officers of administration are not made responsible, in some degree, to the people over whom they are placed. It is one of the worst features of what is usually called the colonial system, that it brings into existence a class of functionaries, who, whatever may be their private character and the purity of their intentions, must always be regarded by the populace as the minions of tyranny. Most of the disturbances in Boston, from 1760 to 1774, were caused by the false position and injudicious conduct of individuals of this description; and it is not going too far to consider these popular tumults, and the angry discussions consequent upon them, as the precursors and immediate cause of the American

Revolution. Mr. Otis, as we shall see, was personally engaged in several contests with these persons, and the natural effect on one of his ardent and irascible temperament was to strengthen his hostility to the measures, which such officers were employed to defend and execute.

That this pernicious feature of the colonial system did not produce its full effect in Massachusetts at an earlier period, is to be attributed partly to the exigencies of the wars which were waged with France, and which absorbed the attention both of the ministry and the people, and partly to the character of the governors, who were successively intrusted with the administration of affairs in the province. Parliament could not, with any decency, impose additional burdens on a people, who were exerting themselves to the utmost in a contest with the common enemy. But these strenuous efforts, instead of commanding the gratitude of the country, which was benefited by them, only prompted the ministry to make fresh exactions when peace arrived, from the insight which they afforded into the strength and resources of the colonies, and their consequent ability to bear taxation. There was no lack of pliant instruments among the officers appointed by the crown to suggest and attempt to carry into effect measures, which were to re-

dound to their own profit, and to fill the British treasury.

Governor Shirley was in principle a friend to the prerogative, and it is said, that he first received the plan of the ministers for taxing America. But he was, also, a prudent and sagacious man, who saw the necessity of retaining the good-will of the people, in order to prosecute successfully the war with France, and he refused to abet any projects which were likely to defeat this end. He retained his popularity here without incurring the distrust of the ministry, and the end of his administration was witnessed with regret by all parties. Pownall was his successor, and his administration, also, though short, was a successful one. By a singular chance, the officers of the customs and other departments were opposed to him, because they thought he had obtained his post by unfair conduct towards his predecessor, and they were all friends of Shirley. Being thus deprived of aid from those, who ought naturally to have formed the Governor's party, he courted the favor of the people, and took into his confidence men who had much influence with the citizens. He cared little about enforcing the obnoxious acts of trade, and, being a gay and affable man, he became popular with all parties.

Sir Francis Bernard was appointed Governor of Massachusetts in 1760, and he immediately took into his confidence the officers of the revenue and their connections, and made the Lieutenant-Governor, Hutchinson, his chief adviser. A difference of opinion on the subjects of revenue and taxation, which had remained quiet for fifteen years, under the two preceding administrations, immediately broke out, and the government was at once involved in a serious contest with the representatives and the people. In the character and conduct of these two men, Bernard and Hutchinson, were fully perceived the pernicious effects of the false position occupied by officers, who were appointed by the crown, and were not dependent on the province, whose affairs they were required to administer. They were not bad men; they were not intentionally opposed to the liberties of the people, nor bent upon aiding the ministry in measures which they knew to be oppressive and unjust. The worst fault imputable to either of them was a penurious and grasping disposition, which made them greedy after office for the sake of increasing their wealth.

Hutchinson was a native of the province, had written a history of it, and probably entertained a sincere attachment for the land of his birth.

He was a man of literary taste, extensive knowledge, and polite manners, and was for a long time quite popular with the legislature and the people. But both Bernard and himself were dependent on the government at home for their situations, and, bent upon showing their zeal and fidelity towards their employers, in every dispute which came up between the ministry and the provincial legislature, they took sides with the former. They even obtruded their services where they were not required, and appeared as volunteer champions for the prerogative. The consequence was, that no two persons contributed so much as they did towards widening the breach between the colonies and the mother country, and bringing about, at last, the final rupture. Hutchinson was soon involved in personal difficulties with Mr. Otis ; and, according to his account of the matter, this dispute first induced the latter to appear in public life as the champion of popular rights. To investigate the truth of this story, therefore, is the next point that claims our attention.

## CHAPTER III.

*Story respecting the Origin of Otis's Enmity to the Administration examined.—He argues a Cause growing out of the Sugar Act.—Question respecting Writs of Assistance.—Conduct of Otis.—Analysis of his Speech against the Writs, and Extracts from it.*

THE office of Chief Justice of Massachusetts became vacant, in 1760, by the death of Stephen Sewall; and it was commonly understood, that Governor Shirley had promised the situation, whenever it should become vacant, to Colonel Otis, of Barnstable, the father of James Otis. Sir Francis Bernard, however, was not disposed to fulfil the engagements of his predecessor, and he appointed the Lieutenant-Governor to the office. Hutchinson says, that he warned the Governor against the impolicy of this proceeding; as it would create a strong opposition to the administration; and he declared, that he would not take amiss the appointment of the other candidate, "but would support the administration with the same zeal as if he had been appointed himself." But Bernard declared, that in no case should Colonel Otis be nominated, and Hutchinson finally accepted the office.

In his History of Massachusetts, Hutchinson gives this account of the transaction, and goes on to say, "The expected opposition ensued. Both gentlemen [father and son] had been friends to government. From this time, they were at the head of every measure in opposition, not merely in those points which concerned the Governor in his administration, but in such as concerned the authority of Parliament; the opposition to which first began in this colony, and was moved and conducted by one of them, both in the Assembly and the town of Boston. From so small a spark, a great fire seems to have been kindled."

So far as this account tends to impeach the patriotism and disinterestedness of James Otis, a more improbable story can hardly be imagined. The office of Chief Justice was worth only about one hundred and twenty pounds sterling a year, and the refusal was no loss to Colonel Otis, for his practice at the bar was worth much more, and his seat in the legislature gave him all the power and reputation that he needed. On the other hand, one of the first measures of James Otis, on coming into public life, was to resign his office as Advocate-General, which was worth twice as much as the seat on the bench. To imagine, that his whole future course was directed by resentment for this slight put upon his father, is to suppose that he carried filial affection to a

most unreasonable height. It is not surprising, that a person of his fiery disposition should feel keenly such an insult, and that it should imbitter his language towards Hutchinson. But to believe, that it shaped his whole career in politics, when questions of great public moment were at stake, is absurd. The truth is, that Hutchinson laid himself open to great and just reproach by taking this situation when he was already Lieutenant-Governor, with the emoluments of governor of the castle, a member of the Council, and a Judge of Probate. Such an accumulation of incongruous offices in the hands of one person was monstrous, and betrayed the grasping disposition, which is evinced in every other part of his public career. It is probable, that Otis commented, with much severity, on the indecency and the danger of allowing one man thus to monopolize office ; and that Hutchinson tried to shield himself, by bringing this absurd accusation against his opponent. The story, that Otis remarked on this occasion, "that he would set the province in flames, though he perished in the fire," and that he quoted, at the same time, the latter part of the famous line from Virgil,

"*Flectere si nequeo Superos, Acheronta movebo,*"

has no better foundation than common report, and is altogether improbable.

The severity with which the officers of the crown now attempted to enforce the obnoxious regulations of trade began to excite active and general opposition, and, a legal question being raised under one of the severe provisions in what was commonly called the "Sugar Act," Mr. Otis, in his professional capacity, was employed to argue the cause for the merchants of Boston and the vicinity. It was the first time that he had been required to argue on political subjects, and this case, therefore, marks his entrance upon public life. The affairs of the province, or rather of the country, now began to absorb his whole attention, and he gradually withdrew from the ordinary practice at the bar.

The Sugar Act imposed a duty of sixpence a gallon on all foreign molasses imported into the colonies ; and, this impost being so heavy as to amount to a prohibition, the trade in that article became confined mostly to contraband channels. By the terms of the act, when a seizure was made of smuggled molasses, one third of the forfeited cargo was given to the King, for the use of the colony where the forfeiture was made, one third to the Governor, and the remainder to the informer. The act was always deemed a grievance, for, if enforced, it entirely destroyed a lucrative trade which Massachusetts had pursued with the French and Spanish West Indies, selling

them inferior kinds of fish, and other products, that could find a market nowhere else, and receiving molasses in return. The share of the forfeitures, therefore, which accrued to the colony, had never been claimed, but, being allowed to lie in court, was finally devoted to the more complete indemnification of the informers. This was an irregularity, and, as it increased the grievance by inciting the underlings of the law to greater vigilance in enforcing the act, the merchants petitioned the General Assembly to put a stop to it, and requested to be heard by counsel. Their prayer was granted, and Mr. Otis was the person employed.

His exertions in the cause were successful, and both Houses voted, that the treasurer should be empowered to demand the money, and, if it was not paid, to sue for it in the course of law. The Governor at first interposed his negative, on the ground that the King's attorney, and not the treasurer of the province, was the proper person to bring the action. But the officers of the customs felt secure of the opinion of the judges on a point which they intended to raise, and, when the Assembly persisted in its vote, they persuaded the Governor to give his assent. The cause came on for trial, and the judges decided against the treasurer, not because the money was not really due to the province, but because

the court had no authority to call in question the jurisdiction of the Admiralty. It was a jury trial; but the judges cautioned the jury against departing from the rules of law, in compliance with popular prejudices, and they returned a verdict for the defendants.

A more important cause soon followed, in which Mr. Otis was again professionally employed on the side of popular rights. It had been a common practice, till of late years, for the officers of the customs, with no authority but that derived from their commissions, to enter ware houses, and even dwelling-houses, and search them for contraband goods. The people being naturally indignant, that the sanctity of their homes should be violated, and for such a purpose, the enforcement of the obnoxious acts of trade, the custom was gradually limited, till only special warrants were issued for searching particular places, in which there was reason to believe that smuggled goods were concealed, and the search was confined to the building designated in the writ. But the revenue officers were not satisfied with the limited powers thus put into their hands, and, on their application, warrants were at last issued, not exactly in the form, but of the nature, of the Writs of Assistance granted by the Court of Exchequer in England. Armed with one of these instruments, an officer of the customs, or

any person employed by him, might break open and ransack any houses that he saw fit ; and the writ, not being returnable, might be used again and again for the same purpose. Bare suspicion, without oath, justified the use of this extraordinary warrant, which, in fact, made every minion of the law an inquisitor-general for the whole province, opening the dwelling-place and exposing the property of every inhabitant to his perquisition.

A more odious and powerful instrument of tyranny was never framed. It was resisted with as much spirit as the people of England displayed a few years afterwards, when, by a singular coincidence, the same question came before them under the form of "General Warrants," and set the whole kingdom in a flame. It raised the party of "Wilkes and Liberty," which, for a time, menaced the safety of the throne ; and the agitation ceased only when, by a formal decision of the King's Bench, such warrants were declared to be illegal.

As advocate-general in the province, the officers of the customs called upon Mr. Otis for his official assistance to argue their cause. But, as he believed these writs to be illegal and tyrannical, he refused ; and, the citizens of Boston having presented a counter petition to the application for these writs, he appeared as their

counsel, probably without fee. His colleague on this occasion was Oxenbridge Thacher, whose patriotic opposition to the oppressive measures of the Governor's party, at that day, had great weight in the province. The situation of advocate-general was a very lucrative one ; ~~but as it~~ would oblige the incumbent to appear in defence of such odious measures, Mr. Otis now resigned it, and the application for the writ was argued by his old instructor, Timothy Gridley, as king's attorney. The pupil entertained a high respect for the character and abilities of his former master, and allowed this deferential feeling to appear throughout the trial. "It was," says John Adams, who was present on the occasion, and from whom nearly all the minute details of the course of this affair are derived, "it was a moral spectacle more affecting to me than any I have ever seen upon the stage, to observe a pupil treating his master with all the deference, respect, esteem, and affection of a son to a father, and that without the least affectation ; while he baffled and confounded all his authorities, confuted all his arguments, and reduced him to silence." Nor was a suitable return wanting on the part of Mr. Gridley, who "seemed to me to exult inwardly at the glory and triumph of his pupil."

The cause came on for trial in February, 1761, in the Old Town House, in Boston, before the

five judges of the Superior Court, Hutchinson being the Chief Justice. The room was filled with officers of the crown and the principal citizens, eager to hear the arguments in a matter of such great public interest. The case was opened by Mr. Gridley, in a speech of much learning and ingenuity, urging every point and authority that could be found in favor of the custom-house petition. He dwelt chiefly upon the statutes of the 12th and 14th of Charles the Second, which empowered the Court of Exchequer to issue writs of assistance, and on the 6th of Anne, which continued all processes, these writs among the number, after the demise of the crown. But, since writs from the Court of Exchequer could have no force in the colonies, the authority of our Superior Court to grant them was founded on the 7th and 8th of William the Third, which empowered officers of the revenue in the plantations to enter warehouses and dwelling-houses in search of smuggled goods, and ordered that "*the like assistance* should be given to the said officers as is the custom in England."

Mr. Thacher followed on the opposite side, with much learning and cogent arguments, delivered in a tone of great mildness and moderation. "But," said President Adams, "Otis was a flame of fire; with a promptitude of classical

allusions, a depth of research, a rapid summary of historical events and dates, a profusion of legal authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of impetuous eloquence, he hurried away all before him. American Independence was then and there born. The seeds of patriots and heroes, to defend the *Non sine diis animosus infans*,\* to defend the vigorous youth, were then and there sown. Every man of an immense crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In fifteen years, that is, in 1776, he grew up to manhood, and declared himself free."

It is much to be regretted, that we have no full and accurate report of the speech, which merited this splendid eulogium. Our only knowledge of it is derived from certain fragments, to be found in the second volume of Minot's History of Massachusetts, which, it seems, were derived from some imperfect notes, taken by President Adams at the time, that some indi-

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\* This Latin motto was furnished by Sir William Jones for the *Alliance Medal*, struck in Paris, to commemorate the alliance between France and America.

vidual carried off, and having “interpolated them with some bombastic expressions of his own,” printed them in a newspaper; and from a more orderly abstract of the arguments, furnished by Mr. Adams, at a much later period, to the late William Tudor, and inserted by that gentleman in his biography of Otis. The great importance of the occasion, and the admirable character of the speech, justify us in giving as full an account of it as our limits and materials will permit. According to the report in Minot, Mr. Otis began with the following brief and bold exordium;

“ May it please your Honors ;

“ I was desired by one of the court to look into the books, and consider the question now before them concerning Writs of Assistance. I have accordingly considered it, and now appear, not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that, whether under a fee or not, (for in such a cause as this I despise a fee,) I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villany on the other, as this Writ of Assistance is.

“ It appears to me the worst instrument of

arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law-book. I must, therefore, beg your Honors' patience and attention to the whole range of an argument, that may, perhaps, appear uncommon in many things, as well as to points of learning that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as advocate-general; and because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office, and I argue this cause, from the same principle; and I argue it with the greater pleasure, as it is in favor of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne, that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown; and it is in opposition to a kind of power, the exercise of which, in former periods of English history, cost one king of England his head, and another his throne. I have taken more pains in this cause

than I ever will take again, although my engaging in this and another popular cause has raised much resentment. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience' sake; and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct, that are worthy of a gentleman or a man, are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country.

"These manly sentiments, in private life, make the good citizen; in public life, the patriot and the hero. I do not say that, when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial; but if ever I should, it will then be known how far I can reduce to practice principles which I know to be founded in truth. In the mean time, I will proceed to the subject of this writ."

After this preamble, says President Adams, he went into a dissertation on the rights of man in a state of nature. He asserted, that every man, while in this state, was an independent sovereign, subject to no law but the law written on his heart, and revealed to him by his Maker

in his understanding and his conscience. His right to his life, his liberty, and his property, no created being could rightfully contest; these rights were inherent and inalienable. "Nor were the poor negroes forgotten. Not a Quaker in Philadelphia, nor Mr. Jefferson of Virginia, ever asserted the rights of negroes in stronger terms."

"Young as I was," says John Adams, "and ignorant as I was, I shuddered at the doctrine he taught; and I have all my life shuddered, and still shudder, at the consequences that may be drawn from such premises."

From individual independence, Mr. Otis proceeded to association, and showed that its only objects were the mutual defence and security of the associated persons for their lives, liberties, and property, and that they could not be supposed to have surrendered their primitive rights for any other end, or in any other way than by equal rules and general consent. These principles and rights were wrought into the British constitution as fundamental laws. "Our ancestors, as British subjects, and we, their descendants, as British subjects, were entitled to all those rights by the British constitution, as well as by the law of nature and our provincial charter, as much as any inhabitant of London, or Bristol, or any part of England; and were not

to be cheated out of them by any phantom of ‘virtual representation,’ or any other fiction of law or politics.”

He then examined the Acts of Trade, one by one, and demonstrated that, *if they were considered as revenue laws*, they destroyed all our security of property, liberty, and life, every right of nature, the English constitution, and the charter of the province. Here he considered the distinction between “external and internal taxes,” at that time a popular and common-place distinction. But he asserted, that it did not exist in theory, nor upon any principle but that of necessity. The Americans had been so sensible of the necessity that the commerce of the empire should be under one direction, that they had connived at the distinction between internal and external taxes, and had submitted to the Acts of Trade as regulations of commerce, but never as means of taxation, or as revenue laws. Nor had the British government, till now, ever attempted to enforce them as such; but they had lain dormant in that character for nearly a century.

The Navigation Act was wholly prohibitory; it abounded with penalties and forfeitures, but it imposed no taxes. The distinction, therefore, was vastly great between this and the Acts of Trade, which, as he contended, did impose taxes,

enormous, burdensome, intolerable taxes. On this topic he gave full scope to his talent for powerful declamation and invective, against *the tyranny of taxation without representation*. From the energy with which he urged this position, it came to be a common maxim in the mouth of every one; and it formed the basis of all his future speeches and political writings. Writs of Assistance were designed to enforce these Acts of Trade, and to empower officers and other persons to break open and ransack houses in order to carry these acts into effect. For a description of the nature of these writs; we quote a fragment of Mr. Otis's speech, that is to be found in Minot's History, and which appears to be reported with literal accuracy.

"Your Honors will find, in the old books concerning the office of a justice of the peace, precedents of general warrants to search suspected houses. But, in more modern books, you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn, that he suspects his goods are concealed; and will find it adjudged, that special warrants only are legal. In the same manner, I rely on it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say, I admit

that special writs of assistance, to search special places, may be granted to certain persons on oath ; but I deny, that the writ now prayed for can be granted ; for I beg leave to make some observations on the writ itself, before I proceed to other acts of Parliament.

" In the first place, the writ is universal, being directed to all ‘and singular justices, sheriffs, constables, and all other officers and subjects ;’ so that, in short, it is directed to every subject in the King’s dominions. Every one, with this writ, may be a tyrant in a legal manner, and may control, imprison, or murder any one within the realm. In the next place, it is perpetual ; there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different emotions in his soul. In the third place, a person with this writ, in the daytime, may enter all houses, shops, &c., at will, and command all to assist him. Fourthly, by this writ, not only deputies, &c., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of Canaan with a witness on us ? to be the servant of servants, the most despicable of God’s creation ? Now, one of the most essential branches of English liberty is the freedom of one’s house.

A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and every thing in their way; and whether they break through malice or revenge, no man, no court, can inquire. Bare suspicion, without oath, is sufficient.

"This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and, when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, 'Yes.' 'Well, then,' said Mr. Ware, 'I will show you a little of my power. I command you to permit me to search your house for uncustomed goods;' and went on to search the house

from the garret to the cellar ; and then served the constable in the same manner ! But to show another absurdity in this writ, if it should be established, I insist upon it, every person, by the 14th of Charles the Second, has this power, as well as the custom-house officers. The words are, ‘ It shall be lawful for any person, or persons, authorized,’ &c. What a scene does this open ! Every man prompted by revenge, ill-humor, or wantonness, to inspect the inside of his neighbor’s house, may get a Writ of Assistance. Others will ask it from self-defence ; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.”

The main question then coming up, as to the authority for issuing these writs, Mr. Otis denied that the statutes of Charles the Second, cited by the other counsel, afforded either authority or precedent in America. These acts related to a *Writ of Assistance under the seal of his Majesty’s Court of Exchequer.* The warrants and writs of that court were never seen here ; or, if they were, they would be only waste paper. It could not be pretended, that the Superior Court of Judicature in the Massachusetts Bay had all the powers of the Court of Exchequer in England, or could issue warrants like that court. No custom-house officer dared say that, or instruct his counsel to say it. Such a Writ of Assistance, he

continued, might become the reign of the second Charles, and he would not dispute the taste of the Parliament of England in passing the act which authorized it, nor of the people of England in submitting to it; but it was not calculated for the meridian of this country.

The case of the petitioners was attempted to be made out by a series of inferences and forced constructions. Wherever the words "writ" or "assistance" could be found, they produced the statute, though it might be, in express terms, "restricted to the realm." Several odious and violent enactments of this sort were passed under the Stuart dynasty, empowering persons "to enter, search, and break open houses, shops, &c.," and to seize and carry away "certain obnoxious articles." Mr. Otis showed how unjust, oppressive, and impracticable these acts were, and that they never had been, and never could be, executed. He even went so far as to assert, "that, if the King of Great Britain, in person, were encamped on Boston Common, at the head of twenty thousand men, with all his navy on our coast, he would not be able to execute these laws. They would be resisted or eluded." When he came to speak of the noted "Sugar Act," his language became still more bold and impassioned. "He asserted this act to be a taxation law, a revenue law, made by a

foreign legislature, without our consent, and by a legislature who had no feeling for us, and whose interest prompted them to tax us to the quick."

The last ground taken by him was the incompatibility of these later acts of trade with the charter of the colony. He went over the history of the charters, and was thus led to speak of the merits of the colonists in undertaking so perilous, arduous, and almost desperate an enterprise; in "disforesting bare creation," contending with the Indians, and purchasing a quarter of the globe at their own expense, by the sweat of their brows, without aid, assistance, or comfort from the Parliament or the people of England. "He reproached the nation, Parliament, and King," says President Adams, "with injustice, illiberality, ingratitude, and oppression, in their conduct towards the people of this country, in a style of oratory that I never heard equalled in this or any other country."

Mr. Otis's argument lasted for nearly five hours, and, after its close, the Court adjourned for consideration. At the end of the term, Chief Justice Hutchinson pronounced the opinion; "The court has considered the subject of Writs of Assistance, and can see no foundation for such a writ; but, as the practice in England is not known, it has been thought best to con-

tinue the question to the next term, that, in the mean time, opportunity may be given to know the result."

The next term came, but no judgment was pronounced, and nothing was said about the writs. Hutchinson says, that it was found that such writs were issued by the Exchequer in England, and this was held to warrant the like practice in the province. It appears from the records of the Court, that the application for the writs was successful; and Mr. Adams says, that probably they were granted clandestinely, and the custom-house officers had them in their pockets, but never dared to produce or execute them. It is likely, that the entry on the court records was a mere form, to save the pride of the administration; for nothing was heard afterwards of this odious instrument.\*

X The effect of this bold and eloquent speech of Mr. Otis on the already excited feelings of the people may be easily imagined. Its delivery

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\* In a private letter to Mr. Secretary Conway, in 1765, Hutchinson affirms, that, after the trial, "the Court seemed inclined to refuse to grant them; but I prevailed with my brethren to continue the cause until the next term, and, in the mean time, wrote to England and procured a copy of the writ, and sufficient evidence of the practice of the Exchequer there; and the like writs have ever since been granted here." — *Hutchinson's Letters, MS.*

marked an epoch in the history of America. It gave vitality and shape to the dim sense of oppression and wrong from the mother country, which already rested indistinctly on the minds of the colonists. It increased their courage, and incited them to scrutinize more closely, and resist more strenuously, the arrogant claims put forward by the ministry, and by Parliament, which menaced not only the commercial interests, but the fireside comforts and the most sacred privileges of the whole people. "I do say in the most solemn manner," exclaims President Adams, "that Mr. Otis's oration against Writs of Assistance breathed into this nation the breath of life."

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## CHAPTER IV.

*Otis chosen a Member of the Legislature.—Disputes about the Currency with Hutchinson.—Transactions in the Assembly.—Remonstrance against the Governor's Conduct in spending the public Money without Warrant.—Otis publishes a Pamphlet to defend himself and the House.*

THE prominent position, which Mr. Otis had now assumed, in the defence of the political

rights of his countrymen, turned all eyes towards him as the future leader of the opposition to the designs of the English ministry. He was at once transferred from his lucrative practice at the bar to the most honorable post in the councils of the people, and the remainder of his career offers fewer materials for the biographer of the individual than for the historian of the country. He gradually dropped his professional employments, and became the chief counsellor and orator of the inhabitants of Massachusetts, in that course of resistance to arbitrary rule, which resulted, at last, in the declaration of independence. To a correspondent, soon after this period, he writes; "My discharge from the burden of your affairs is the more acceptable, as my engagements to the public, and the difficulties in the trade of this country, and my private concerns, render it inconvenient for me to enter into more affairs than I have on hand." To another he says, "I am glad of your resolution not to send me any other of your affairs, more especially as the times are rendered so difficult here, that it is a very invidious employ to collect debts for gentlemen on your side of the water; and my own private affairs and engagements in the public service will not admit of my engaging any further in the concerns of others."

At the ensuing election, in May, 1761, he was

chosen, almost unanimously, a representative from Boston to the legislature. His colleagues on this occasion were Royal Tyler, John Phillips, and Thomas Cushing, all of them, especially the latter, being men of great consideration and influence in the colony. John Adams happened to be at Worcester, attending court, at this time, and he says that, when the news of this election arrived there, it excited great "consternation among the government people." Chief Justice Ruggles, at dinner at Colonel Chandler's on that day, said, "Out of this election will arise a damned faction, which will shake this province to its foundation."

The opinion, which was then commonly entertained of the fiery and impetuous temper of Mr. Otis, is well illustrated by an anecdote, whether authentic or not, which is related of him by his biographer. When he first took his seat in the House, a friend who sat near said to him, "Mr. Otis, you have great abilities, but are too warm, too impetuous; your opponents, though they cannot meet you in argument, will get the advantage by interrupting you, and putting you in a passion." "Well," said Otis, "if you see me growing warm, give me a hint, and I'll command myself." Some time afterwards, a question of some importance arose, when Otis and his friend were on the Boston seat together. The former

said he would speak, and the latter cautioned him against being irritated. He soon rose, and was speaking with great fluency and powerful reasoning, when Brigadier Ruggles interrupted him; he grew warm in reply, but his friend pulled his coat slightly. Otis scowled as he looked round, but took the hint, and moderated his tone. Soon afterwards, Mr. Choate, of Ipswich, interrupted him again. This roused his temper, and his coat was pulled a second time, when he turned round, and said quickly, in an under tone, to his monitor, "Let me alone; do you take me for a schoolboy?" and then continued his course with great impetuosity, overwhelming his opponent with sarcasm and invective.

The state of public feeling at this time, excited by the recent discussion about Writs of Assistance, was indicated by the message of Governor Bernard, at the opening of the session. After advising the legislature "to lay aside all divisions and distinctions whatsoever, especially those, if any there be, that are founded upon private views," he goes on to say, "Let me also recommend to you to give no attention to declamations tending to promote a suspicion of the civil rights of the people being in danger. Such harangues might well suit in the reigns of Charles and James, but in the times of the

Georges, they are groundless and unjust." Such insinuations as these, evidently pointed against Mr. Otis, a member of the House, and tending to impeach his integrity and patriotism, were highly indecent and improper matter for an official communication from the Governor to the General Court. The representatives answered, with great decorum and admirable coolness, that they knew nothing of any such parties as he had alluded to, and they assured him, that his counsels should always be considered by them. "Your recommendation to give no attention to declamations tending to promote suspicion of the civil rights of the people being in danger shall have its weight. It is our intention to see for ourselves; and it gives us pleasure to see, that the civil rights of the people are not in danger; nor are we in the least degree suspicious that they ever will be, under your excellency's administration."

This session of the legislature was short, and passed away without any occurrence of much note. Another meeting was called in September of the same year, because it was found, that the treasurer's notes then in circulation had been counterfeited, and that no adequate provision had been made in the province for the punishment of this crime. It was resolved, that

the notes should be called in and paid off, new ones being issued in their place. A question then arose, in what coin they should be made payable, and this brought up the difficult subject of the currency, which was a very perplexing one at that period. Silver was the standard, at six shillings and eight pence the ounce. Gold was not a lawful tender, but passed current at fixed rates, a guinea at twenty-eight shillings, a moidore at thirty-six, and so on. For a year or two past, silver had advanced in price in England, and the merchants, therefore, made their remittances in it rather than in gold, so that silver coin became very scarce in the province. The people were alarmed, and a bill was brought into the House, and defended by Mr. Otis, making gold a lawful tender at the rates at which the several coins had been current for many years.

On the other hand, the council, with Mr. Hutchinson at their head, maintained that gold ought to be made a tender at a reduced value, so that it might be exported, and the silver coin retained in the country. This was an unpopular measure, as it would compel people to pay their debts with more gold than they had received when these debts were contracted; and, if gold were not made a tender at all, they

would be compelled, from the impossibility of obtaining silver, to pay gold at such rates as their creditors were willing to receive it.

This is one of the perplexing questions growing out of a depreciated currency, which has been frequently revived in later times, through the alternate suspension and resumption of specie payments by the banks. Practically, it is now settled in the way recommended by Mr. Otis; for a man who has borrowed a hundred dollars when a dollar note is really worth a hundred cents, is allowed to pay the debt by a hundred of these notes at a time when they are really worth only ninety cents apiece. Theoretically, it is settled in the manner proposed by Hutchinson; for a debtor may be compelled to pay in specie the whole amount of the claim, only gold and silver being a legal tender. It is very difficult to decide which of the two courses can be best defended on equitable grounds.

The General Court of Massachusetts, in 1761, were not very competent to settle the question. The House followed Mr. Otis and the wishes of the people; the Council steadily adhered to the plan of the Lieutenant-Governor. Each branch negatived the proposal of the other, and a conference ensued between them, Hutchinson being at the head of the managers for the

Council, and Mr. Otis of those for the House. Still, neither party would yield; and the Governor at last prorogued the Assembly, advising the members to take time to consider the matter, and to free their minds from prejudice. The disputants then appealed to the judgment of the public through the newspapers, and the matter was debated with as much heat, as if it had been a question between privilege and prerogative. An anonymous pamphlet was published, defending the opinion of the Council, which was attributed to Mr. Bowdoin, then a member of that body. But the discussion was chiefly carried on between Hutchinson and Otis, and in a manner very characteristic of their respective dispositions. The former was clear, temperate, and argumentative; the latter fiery, sarcastic, and eloquent. He even grew so warm in invective, that Hutchinson at last avoided making any direct reply, but went on to give a curious history of the currency, without any allusion to his opponent.

The controversy is not interesting enough at the present day to make it worth while to present any full abstract of it; but a few extracts may be given, as specimens of the style and spirit with which Otis supported his side of the argument. The following letter, addressed to the printers, is the first that he published;

"Perhaps I should not have troubled you or the public with any thoughts of mine, had not his Honor the Lieutenant-Governor condescended to give me a personal challenge. This is an honor that I never had vanity enough to aspire after, and I shall ever respect Mr. Hutchinson for it so long as I live, as he certainly consulted my reputation more than his own when he bestowed it. A general officer in the army would be thought very condescending to accept, much more to give, a challenge to a subaltern. The honor of entering the lists with a gentleman so much one's superior in one view is certainly tempting; it is at least possible that his Honor may lose much; but from those who have and desire but little, but little can possibly be taken away.

"I am your humble servant,  
"JAMES OTIS, JR."

The challenge here mentioned must not be considered as a formal and avowed one; for, in the postscript to a subsequent letter, Otis remarks; "Very soon after his Honor published his thoughts, he told me, 'he had been cutting out work for me in the papers,' as near as I can recollect the words; which I took as a personal challenge to answer him. If they were not so intended, I was mistaken."

There is much good sense in the following extract, and it contains some judicious views respecting the condition and capabilities of the province, which may not be wholly undeserving of attention at the present day.

✓ "His Honor is of opinion, that gold and silver cannot both be kept here without 'lessening our imports;' that plenty of money has produced luxury, luxury tends to poverty, 'poverty to industry and frugality, and these bring money again.' I am no merchant, but have been informed, that increasing the *exports* is more advantageous to a country than lessening the imports. As to the revolution or wheel of fortune, which his Honor has described, luxury is a very vague and loose term, if by it is meant the importation of many foreign commodities. The more we have, the better, if we can export enough to pay for them; poverty is so far from being the basis of industry and frugality, that it is too often the occasion of vices directly opposite. Poverty can no more produce riches, than it can furnish a man with the secret of the philosophers' stone. I know it is the maxim of some, that the common people in this town and country live too well; however, I am quite of a different opinion; I do not think they live half well enough. I should be glad to see here, as in England, tradesmen and yeomen worth their tens,

'and their hundreds, or thousands of pounds; for then, and not till then, we shall have gentlemen and merchants worth their hundreds and their millions. The tradesman and the husbandman would do well to consider, that when they are for cramping trade, they are for killing a faithful servant, who is toiling night and day, and eating the bread of care, for their good as well as his own. The merchant and the gentleman would do well to reflect, that the hands of the tradesman and the husbandman are their employers; and that, unless they multiply and increase in their commodities and riches, the merchant will never flourish. The merchant, manufacturer, and freeholder should consider themselves as the most immediate and natural brothers in the community; that God and nature have made their interests inseparable; and when they will agree conjointly to pursue it, no mortal hand can ever prevail against them. |

“Nature has been as kind to this province as to most in the world. This is demonstrable from its increase in people and trade, from its settlement to the year 1749; and yet we never raised our own bread. | The balance yearly sent out in cash for wheat and flour, which we might raise as easily as the other colonies, has been often mentioned to our shame; and yet nothing has been done to encourage the raising of one,

or the manufacturing of the other. It is said we pay two thousand pounds sterling, a year, only for flour barrels. It is humbly submitted, whether it is not highly incumbent upon the government to take this affair into their consideration, and grant a bounty for raising wheat; the saving between raising, and paying the other colonies for, our bread would, in two years, furnish a sufficient medium for all our other trade."

The drift of the argument both of Hutchinson and of Otis appears from the foregoing extract; the former endeavoring to bring the currency to that point, which would enable the colonists to make large cash remittances to the mother country, and thereby to purchase a great amount of English products; the latter striving to keep gold at a higher nominal value in the province than in England, so that a loss might be incurred by sending it abroad, and, from the consequent difficulty of exporting specie to pay for foreign articles, the Americans might be induced to give more attention to home products. In fine, the former argued in the interest of England; the latter aimed to promote the welfare of his own country. Otis did not spare his opponent on those points on which his conduct was open to just reproach; and the sarcasms, which he threw out, appear to have wounded Hutchinson to the quick, and created that per-

sonal animosity between them, which the latter attempted to gratify by most unworthy means. Hence the charge, already noticed and refuted, against the sincerity of Mr. Otis's patriotism, which it is probable that Hutchinson often repeated at the time, as he afterwards inserted it in his "History."

The following is one of the passages, in which Otis reflects most severely on his antagonist for that grasping disposition, which induced him to seek after, and to hold, numerous and really incompatible offices under the government. He had been speaking of the British constitution as that of a mixed monarchy, which, when the checks and balances in it are duly preserved, he considers as the most perfect form of government of which human nature is capable.

● "It is a fundamental maxim, in such a government, to keep the legislative and executive powers separate. When these powers are in the same hands, such a government is hastening fast to its ruin; and the mischiefs and miseries, that must happen before that fatal period, will be as bad as those felt in the most absolute monarchy.

"It may happen to governments formed after this model, that, in consequence of art and corruption, half a dozen or half a score men will form an oligarchy in favor of their families and

friends. Instances may be found, where a man of abilities shall monopolize a power proportionate to all those of lord chief baron of the exchequer, lord chief justice of both benches, lord high treasurer, and lord high chancellor of Great Britain, united in one single person. There is no axiom in mathematics clearer, than that no man ought to be sole legislator of his country and supreme judge of his fellow-citizens. Should it be objected, that, in making these political reflections, I have wandered, my apology is, I went out of the way for the sake of his Honor's company, whose observation on the democratical bias led me astray, if I have erred."

He continues this attack upon Hutchinson by making several extracts from Montesquieu, to show the evil of uniting legislative, executive, and judicial powers in the same person. The legislature came together again in January, 1762, and the popular party, led by Mr. Otis, prevailed, so far that laws were passed, making the old treasury notes redeemable in gold at the current rates, and expressly declaring, that gold as well as silver coin should be a legal tender. The Governor assented to these acts the more readily, because he had never taken an active share in the discussion, the management of it on the government side having been confided entirely to Hutchinson. About the same time,

the price of silver in England fell, so that the apprehended evil to the colonies, through a drain of this metal, did not occur.

But the legislature and the Governor did not agree on all subjects. The former refused to make the crime of counterfeiting the notes a capital offence, and the bill was therefore returned to them, with the Governor's negative, because, he said, the practice of Massachusetts was thereby made to differ from that of every other part of the British dominions. The House adhered to their vote, and a committee, of whom Otis was one, was appointed to answer this communication from the executive. They declared, that "the House are very averse to capital punishment in any case, where the interest of the government does not absolutely require it. And as they doubt not some other punishment than death will be sufficient effectually to deter from the commission of this crime, they cannot give their consent, that it should be punished with death." It is very honorable to the legislature of Massachusetts, that, at this early period, it attempted a reformation of the sanguinary code of English criminal law.

At the same session, the House made a present of Mount Desert Island to Governor Bernard, asking him, at the same time, to endeavor to have the title of the province confirmed to the lands,

of which Mount Desert formed a part, lying between Nova Scotia and the River Sagadahock. Hutchinson spitefully remarks of this transaction, that it formed a part of a bargain between the Otis family and the Governor, according to which, Colonel Otis was again appointed first justice of the County Court and judge of probate, while the younger Otis, in the Assembly, supported this grant to the Governor. There is no apparent ground for so gross a charge. The grant was made almost unanimously, and it is idle to suppose, that the influence of James Otis in the House, at this time, was so extensive as to induce most of the members to support a measure, which was not really for the good of the province. The land was given as a bribe, it is true, but only for the purpose of making the Governor more active in defending the claim of Massachusetts to some disputed territory. The location of the grant makes this account still more probable. Besides, immediately before and after this grant, James Otis was as active in opposition as ever; a fact which Hutchinson himself expressly admits.

A new agent for the colony in England was appointed at this session, Mr. Bollan being dismissed, and Jasper Mauduit appointed in his stead. The former had more experience in provincial affairs, and was a faithful friend to

America; but he was a member of the Church of England, while Mauduit was a dissenter, and this circumstance probably decided the election. Bollan printed, at a very early period, a work on the "Rights of the Colonies," which was an indifferent performance, and attracted little notice. In a speech to the representatives, Mr. Otis expressed his opinion of it in very decided terms. "Mr. Bollan's book is the strangest thing I ever read; under the title of 'Rights of the Colonies,' he has employed one third of the work to prove that the world is round; another, that it turns round; and the last, that the Pope was a devil for pretending to give it to whom he pleased." Otis opposed the reappointment of this unlucky author, not from sectarian feelings, for in these he had no share, but on political grounds.

A more important measure was attempted by the popular party at this time, in which they endeavored to carry out one of the great doctrines of political science, and to overthrow their greatest adversary. A bill was introduced for excluding the judges of the Superior Court from holding a seat in the Council or the House. It was aimed, of course, at Hutchinson, who held the incongruous offices of Lieutenant-Governor, Councillor, and Chief Justice, and who would have lost much of his influence, while the power

of the administration would have been much impaired, if it had gone into effect. But though supported with great earnestness by Otis and his friends, the bill was defeated by a majority of seven. It is remarkable, that the popular party, which then had an undoubted majority in the House, could not sustain a principle, which has since become an axiom in all free governments, that judicial and executive functions should always be separated.

The Governor again called the Assembly together in September, 1762, to communicate a requisition from Sir Jeffery Amherst, the commander of the English forces in America. He wished the province to maintain a number of men in service for the following winter, during the absence of the regular troops. Otis was in favor of complying with the requisition, and delivered a speech replete with loyal sentiment and affection for the mother country. The House was animated with correspondent feelings, and the bill passed without opposition.

But immediately after the representatives had thus shown their loyalty towards England, they had occasion to manifest their jealousy in the cause of popular rights. During the summer, great alarm had been caused by the news, that the French had taken possession of a part of Newfoundland. To quiet the fears which the

merchants entertained, in respect to the fisheries, the Governor caused the armed sloop, that belonged to the province, to be fitted out with an additional number of men, and to be sent out on a cruise. A message was sent to the House, informing them of the small expense thus incurred during the recess, not amounting to more than three or four hundred pounds, and recommending that provision should be made for it, and for continuing the pay to the increased number of hands. The sum demanded was so small, and the emergency under which the money had been expended was so great, that it is not likely that the House, under ordinary circumstances, would have made any remonstrance against the Governor's conduct.

But the friends of liberty were now on the alert, and were suspicious of every movement of the administration. They were not willing, that any act should pass into a precedent, for allowing the Governor to expend the money of the province without a vote of the legislature. They had lately been taught, that taxation without representation was tyranny, and they were prepared to resist it, however small might be the sum in controversy. The message was referred to a committee, of which Otis was chairman, who were instructed to remonstrate against the making or increasing of establishments by order

of the Governor and Council, without previously obtaining the consent of the legislature. This remonstrance was drawn up by Mr. Otis, and contained the following passage ;

“ No necessity can be sufficient to justify a House of Representatives in giving up such a privilege ; *for it would be of little consequence to the people, whether they were subject to George or Lewis, the King of Great Britain or the French King, if both were arbitrary, as both would be, if both could levy taxes without Parliament.*”

When this passage was read, a member called out, “ Treason ! treason ! ” and considerable excitement prevailed. The scene thus far affords an exact parallel to one which occurred some time afterwards in the legislature of Virginia, when Patrick Henry was interrupted in a speech by a similar exclamation ; and it is remarkable, that the words which the Virginia orator was then uttering, were very similar to a passage respecting principles which had cost one king of England his head, and another his throne, which we have already cited, in Mr. Otis’s speech on Writs of Assistance. On this occasion, he defended the language of the remonstrance in an animated speech, and it passed entire by a large majority.

In the afternoon, Governor Bernard sent back the remonstrance, “ in which,” he says, “ the

King's name, dignity, and cause are so improperly treated." He earnestly advised the House, that "it should not be entered on the journals as it now stands ; if it should be, he is satisfied they will again and again wish some part of it were expunged." When this letter was read, Mr. Otis moved to insert these words ; "With all due reverence to his Majesty's sacred person and government, to both of which we profess the sincerest attachment and loyalty, be it spoken, 'it would be of little consequence,' " &c. But the same person, who had before interrupted the proceedings, now called out, "Erase them ! erase them !" Unwilling to contend about so small a matter, the amendment was dropped, and the offensive words expunged.

The Governor soon afterwards sent a message, vindicating his conduct, which he desired might be entered on the journals. The House complied with his request, but, as some principles were advanced in the message which were distasteful to them, the Speaker, Mr. Otis, and Mr. Tyler were appointed to prepare an answer during the recess. The Assembly was then prorogued. Hutchinson complains, in his usual selfish and jealous manner, that this whole proceeding "was calculated to raise a spirit against the Council, of which the Lieutenant-Governor was president, and whose character was attacked

in newspaper publications, to some of which Mr. Otis affixed his name." This complaint was totally unfounded. It does not appear, that Hutchinson's name was once mentioned in the whole affair, and he was censured by implication only in company with the other members of the Council, for advising the Governor to do an unconstitutional act. Nor is his name or office introduced in any way into the only publication respecting the matter, for which Mr. Otis was openly responsible.

Immediately after the prorogation, Otis justified the course he had taken by publishing a pamphlet with the following title ; "A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts Bay ; more particularly in the last Session of the General Assembly." It is temperately written, with more command of style, and a closer argument upon the merits of the case, than are found in his other published essays. In the preface, he avows that his purpose is to vindicate "the House of Representatives from some very injurious aspersions, that have been cast upon them by ill-minded people out of doors." In apologizing for the boldness with which he had censured the conduct of the Governor, he remarks ; "The more elevated the person who errs, the stronger, sometimes, is the obligation to refute him ; for the

errors of great men are often of very dangerous consequences to themselves, as well as to the little ones below them. The world ever has been, and will be, pretty equally divided between those two great parties, vulgarly called *winners* and *losers*; or, to speak more precisely, between those who are discontented that they have no power, and those who never think they can have enough. Now, it is absolutely impossible to please both sides, either by temporizing, trimming, or retreating; the two former justly incur the censure of a wicked heart; the latter, that of cowardice; and fairly and manfully fighting the battle out is, in the opinion of many, worse than either."

The vindication begins with a plain narrative of the facts, and then proceeds to a defence of the obnoxious words first introduced into the answer of the House. To prepare the way for his argument, he lays down certain principles, some of which are stated with a kind of quaint extravagance, which marks the peculiar humor of the writer. The following may be taken as specimens; "No government has a right to make hobby-horses, asses, and slaves of the subject; nature having made sufficient of the two former, for all the lawful purposes of man, from the harmless peasant in the field to the most refined politician in the cabinet; but none of the last, which infallibly proves that they

are unnecessary." "The British constitution of government, as now established in his Majesty's person and family, is the wisest and best in the world. The King of Great Britain is the best, as well as the most glorious monarch upon the globe, and his subjects the happiest in the universe. The French King is a despotic, arbitrary prince, and, consequently, his subjects are very miserable."

In commenting upon the offensive passage in the answer to the Governor's message, he observes, that the first question to be made about it is, whether the position be true. An arbitrary government implies the worst of temporal evils, or, at least, the continual danger of them ; and it is manifest, that a man is quite equally subjected to these evils under every arbitrary government. "It may be objected, that there are some differences between arbitrary princes, in this respect, at least, that some are more rigorous than others. It is granted ; but, then, let it be remembered, that the life of man is a vapor that soon vanisheth away, and we know not who may come after him, a wise man or a fool ; though the chances, before and since Solomon, have ever been in favor of the latter." "That I should die very soon after my head should be struck off, whether by a sabre or a broadsword, whether chopped off to gratify a tyrant by the Christian

name of Tom, Dick, or Harry, is evident. That the name of the tyrant would be of no more avail to save my life, than the name of the executioner, needs no proof. It is, therefore, manifestly of no importance what a prince's Christian name is, if he be arbitrary, any more, indeed, than if he were not arbitrary. So the whole amount of this dangerous proposition may, at least in one view, be reduced to this, viz. ; *It is of little importance what a king's Christian name is.* It is, indeed, of importance, that a king, a governor, and all other good Christians, should have a Christian name; but whether Edward, Francis, or William, is of none, that I can discern. It being a rule, to put the most mild and favorable construction upon words that they can possibly bear, it will follow, that this proposition is a very harmless one."

He goes on to remark, that "one good-natured construction, at least, seems to be implied in the assertion, and that pretty strongly, viz., that, in the present situation of Great Britain and France, it is of vast importance to be a Briton rather than a Frenchman, as the French King is an arbitrary, despotic prince; but the King of Great Britain is not so *de jure*, *de facto*, nor by inclination; a greater difference on this side the grave cannot be found, than that which subsists between British subjects and the slaves of

tyranny." The defence of Mr. Otis's language seems to be completed by one other consideration; "that a form of speech may be in no sort improper, when used *arguendo*, or for illustration, speaking of the King, when the same form might be very harsh, indecent, and even ridiculous, if spoken to the King."

Leaving this portion of the subject, Mr. Otis proceeds to consider Governor Bernard's vindication of his conduct, in fitting out the sloop with an additional number of men, and charging the province with the expense thus incurred, without having received any authority from the legislature. The proposition, that the Governor has power to draw money out of the treasury, at his own discretion, in case of emergency, though he cannot put money into it by taxing the people without the consent of the Assembly, is refuted by precedents and authorities, which show, that nothing can be paid except by legally authorized appropriations. The emergency, it is contended, was not so great, that it was necessary to meet it by a breach of the law and the constitution; and the unwillingness to call the Assembly together to sanction the act, on the plea of the expense and the inconvenience of an extra session, is shown to be a mere pretence. But the chief stress is put upon the dangerous character of the precedent that would be established, if

the Governor should receive an unlimited discretionary power to create establishments during the recess of the legislature, and support them at the public expense, without the sanction of law.

If it appears, from a view of this whole transaction, that the Assembly was unreasonably sensitive about the expenditure of a trifling sum, that seemed to be required for the public security, it must be admitted, also, that the Governor improperly and unwisely became a stickler for the royal prerogative and the honor of the monarch, when he objected to words that were harmless in themselves, and were coupled with acts sufficiently loyal to show the deferential spirit of those who used them. The people were morbidly watchful, perhaps, against the first steps of arbitrary power; but it was unseasonable and foolish to take such an occasion for reminding them of the respect which they owed to the King. Bernard would have done better, had he followed the advice given by Otis, at the conclusion of his pamphlet; that, if "all plantation Governors would reflect upon the nature of a free government, and the principles of the British constitution, instead (as most of them do) of spending their whole time in extending the prerogative beyond all bounds, they would serve the King, their master, much better, and make the people under their care infinitely happier."

## CHAPTER V.

*Peace of 1763.—Question about the Attorney-General.—Plan for taxing America.—Temporary Unpopularity of Otis.—Charges against him considered.—His Pamphlet on the Rights of the Colonies.—Stamp Act and its Effects.—Congress of 1765.—Otis chosen a Member of it.—Riots in Boston.—Calumny against Otis refuted.—Proceedings of the Congress.*

IN January, 1763, the joyful news was received at Boston, that the preliminaries of peace between Great Britain and France were signed, and that Canada was permanently annexed to the former country. The colonists justly rejoiced at the intelligence, as their trade would now have a more free course, being no longer interrupted by the enemy's privateers; and they were now relieved from the presence of active and dangerous neighbors, whose hostility had kept them in almost constant alarm for more than a century. Mr. Otis was chosen moderator of the first town meeting, that was held in Boston after the news arrived, and the speech which he delivered on that occasion was afterwards printed. "We, in America," he observed, "have certainly abundant reasons to rejoice. The heathen are not only

driven out, but the Canadians, much more formidable enemies, are conquered, and become fellow-subjects."

It was natural, that such a joyful occasion should mollify, in some degree, the angry feelings that had been excited by the recent contests between the favorers of prerogative and the friends of popular rights. The impulsive but generous spirit of Mr. Otis was the first to acknowledge this influence, and he gave utterance to his sentiments in his usual earnest way. "Those jealousies, that some weak and wicked minds have endeavored to infuse with regard to the colonies, had their birth in the blackness of darkness; and it is great pity they had not remained there forever. The true interests of Great Britain and her plantations are mutual, and what God, in his providence, has united, let no man dare attempt to pull asunder."

The same spirit appeared to animate the Assembly, when it came together, and the Governor congratulated them in his message on the successful termination of the war. In their answer, both Houses acknowledged with humble gratitude the protection afforded them by their gracious sovereign during the contest, and the grants made by Parliament for their relief, without which the expenses of the war would have been intolerable. They thanked the Governor also,

and expressed a wish, that he might long be continued at the head of the government, promoting that internal peace, on which their prosperity so much depended. This harmony of feeling continued undisturbed during the session, though one affair of small importance occurred, which showed that the leaders of the House had lost none of their watchfulness, when constitutional principles were concerned.

Edmund Trowbridge, the Attorney-General, had presented a petition to be remunerated for his official services. The subject was taken up in February, and referred to a committee, composed of Mr. Otis and six others, who brought in a long report. It contained an elaborate argument to show, that the House had a right to participate in the choice of a person for this office, and, as they had had no share in the appointment of Mr. Trowbridge, they thought the prayer of the petitioner ought not to be granted. The committee were "satisfied that Mr. Trowbridge had behaved with fidelity, integrity, and industry, in said office;" but they refused "to grant any salary or pay to any person officiating in said office, whom they had no hand in choosing." They cited several decisions in former cases, to prove, that the representatives were entitled to a share in the appointment of the Attorney-General. Mr. Otis

contended strenuously for the principle, but, at the same time, he was in favor of granting to this officer the remuneration that was honorably due to him.

The matter was referred to the June session of the General Court. It was there taken up, and three hundred pounds were voted to Mr. Trowbridge for his services. The hesitation of the House on this subject probably arose from the doubtful politics of the incumbent of the office. He was a native of the province; his knowledge of the law was profound; and, from his education and connections, he should have belonged to the popular party. But he had received this appointment from the Governor, and was thus made to lean, in his politics, towards the side of the administration, though without becoming obnoxious to his fellow-citizens, who respected him for his ability and uprightness.

The apparent conciliation of parties in Massachusetts was not destined long to continue. The English ministry were now maturing their plans for raising a revenue from America, and, as a preparatory step, they sent out orders for a rigorous enforcement of the laws of trade, and especially for a strict execution of the Sugar Act. They hoped, doubtless, by these means to accustom the colonists to a system of external taxation, until the plan was ripe, and all minds

were prepared for an attempt to levy internal taxes. Aiming to bring America into more complete subjection to England, they resolved to exert the prerogative first by those modes to which the people were accustomed, and the legitimacy of which they had already acknowledged. The pressure of the national debt, aggravated by the great expenses of the late war, which was falsely alleged to have been undertaken in behalf of the colonists, and for their protection, made the ministers eager to find new sources of revenue, wherewith to relieve the burdens of the parent state. The strenuous exertions of the colonies during this war had made known their ability both to act and to pay. During the late contest, also, their illicit trade had flourished. The attention of the ministry had been diverted; the government ships and officers were otherwise engaged; and, consequently, a commerce, that defied the acts intended for its regulation, was almost openly carried on.

But a check was now vigorously applied. The commanders of all the ships of war on the coast received orders to act as officers of the customs, were compelled to take the usual oaths as such, and were stimulated to activity by the promise of an ample share of the confiscated cargoes. The national vessels were thus changed into tenders for the revenue, and numerous seizures,

some legal, and others unjust and oppressive, were made.

About the same time, the agent of the province in England sent word, that the Sugar Act, which was to expire that year, would undoubtedly be reënacted, with alterations, and more effectual provisions for its enforcement. This occasioned great alarm, as it was now generally understood, that the measure was designed as a preparatory step for imposing a direct tax. The inhabitants of Boston, at their annual meeting in May, 1764, prepared instructions for their representatives in the General Court, requiring them to remonstrate earnestly against the imposition of taxes by Parliament, and to give the necessary advice and assistance to the agent of the colony in England "at this most critical juncture." Memorials were also presented from the merchants of the chief ports, having the same object in view. When the Assembly came together, the matter was referred to a committee, of which Mr. Otis was chairman, and they reported a letter of instructions to the agent, Mr. Mauduit, that was probably written by him. The House accepted the report, and ordered it to be sent to the agent, together with a copy of a pamphlet, just written and published by Mr. Otis, entitled "The Rights of the British Colonies asserted and proved."

As it appeared, moreover, that Mr. Mauduit

had conducted the business intrusted to him in a very weak and inefficient way, it was resolved, that a special agent should be appointed on this occasion; and to the surprise of many persons, Mr. Hutchinson, the lieutenant-governor, was chosen for this purpose, by a very general vote of both Houses. He was very desirous to accept the appointment; but Governor Bernard unwisely opposed the step, expressing doubts whether the incumbent of such an office could leave it and go to England, without special permission from the King. Hutchinson was thus compelled, very reluctantly, to ask to be excused, at least for three or four months, till the present impediment could be removed. He had hopes, indeed, that the Assembly would not excuse him; but Mr. Thacher, one of the members from Boston, now strenuously opposed the appointment, and, through his influence, the House accepted the resignation, though by a small majority. The Council refused to concur, as they wished the original choice to take effect; but the House refused to join in the necessary instructions, and the matter was consequently put aside, to Hutchinson's great mortification.

The conduct of Otis was watched with great strictness at this period, and the public complaints grew loud against him. He was accused of inconsistency in opinion and action, and of dere-

liction of duty as the acknowledged leader of the patriotic party. The charges were founded chiefly on the extraordinary appointment of Hutchinson, which he was understood to favor, and on a too absolute recognition of the supremacy of Parliament in his pamphlet on the Rights of the Colonies. As his father had recently received a judicial appointment, though it was one of small importance, suspicions were excited even of his fidelity to the cause, and people talked about a compromise, in which he was supposed to be engaged, for gradually withdrawing all resistance to the proceedings of the ministry.

Popular favor is proverbially fickle, and the public certainly manifested more than the usual measure of unsteadiness and injustice at this period. Considering the sacrifices which Mr. Otis had already made to the cause, his patriotism ought not to have been suspected; and any doubt which might exist on the subject is at once removed, when we learn, from the private correspondence of the Governor with the ministry at this time, that he was still considered as the greatest opponent of the prerogative, and was constantly subject to calumny and invective on this account. It was hard to be abused on both sides. The choice of the Lieutenant-Governor to act as special agent, which appears so strange

at first sight, admits of an easy explanation. Hutchinson was a native of the province, was known to be thoroughly acquainted with its interests, and to be desirous of promoting them, so far, at least, as his own political views and aspirations were not at variance with the concerns and desires of the people. On the subject of the special agency, there was no wrong motive to bias him, and no reason to suspect that he would betray his trust. A few years before, he had given sound and judicious advice to both Houses in relation to this very matter, counselling them not to apply for a reduction of the duty, lest they should be considered as indirectly consenting to pay it under any circumstances. This advice prevailed against the preconceived opinion of a majority of both branches of the legislature; and the recollection of this affair probably favored his appointment at the present juncture. Moreover, Otis and his friends might reasonably imagine, that Hutchinson's undoubted attachment to the interests of the crown, and his intimate relations with the ministry, would enable him to prosecute the suit of the province to great advantage. A known leader of the popular party in Massachusetts would not be received with much favor at the Board of Trade, whatever might be his errand.

As for the opinions of Otis respecting the

prerogatives of the crown, and the right of Parliament to tax the colonies, it may be remarked, that he had undoubtedly the same ends in view with the other popular leaders, though he might differ from them in respect to the choice of means, the selection of arguments, and the proper mode of conducting the controversy. It is well known, that at this time there was a great diversity of opinion on these topics in the colonies. All desired to remain exempt from taxation, and to obtain freedom of trade; but how could they best attain these ends, and how reconcile their pretensions with the acknowledged maxims of English law? One party admitted the competency of Parliament to regulate commerce, but denied that it had any right to impose direct taxes; they counselled their countrymen to solicit a mitigation of one grievance as an act of grace, and to resist the introduction of the other as an unwarrantable usurpation. Otis thought differently. He maintained, that the common distinction between external and internal taxation was chimerical and unfounded; that, if Parliament could tax the trade, it could also tax land, internal products, and other articles of property; and that the impost might always be made heavy enough to produce a revenue, though ostensibly designed only to regulate commerce.

He resisted any imposition, on the broad principle of the British constitution, that the people could be taxed only by their own representatives; or, in other words, that their property could not be taken, except by their own consent. He opposed both the Sugar Act and the Stamp Act, on the same broad ground on which Hampden resisted the payment of ship-money, namely, that neither measure was sanctioned by the representatives of the people on whom these contributions for the support of government were to be levied.

It is true, he was too good a lawyer to think of questioning openly the abstract supremacy of Parliament, or to deny that this body had the technical "right" to tax America, or to do anything else. But he affirmed, that they could not justifiably exercise this right, unless representatives elected by America were admitted to sit in the House of Commons. The principle for which he contended had been practically recognized by the institution of the Colonial Assemblies, the functions of which, he maintained, could not be absorbed by the legislature of the mother country, without violating the principles of the constitution. "When the Parliament," said he, "shall think fit to allow the colonists a representation in the House of Commons, the

*equity* of their taxing the colonists will be as clear as their *power* is, at present, of doing it if they please."

These opinions did not coincide with the sentiments of the greater part of the people at this period, for the alarm caused by the threatened passage of the Stamp Act now absorbed every other apprehension, and most persons thought, if they could successfully resist this attempt at direct taxation, that they might safely admit the power of Parliament to levy indirect taxes, and trust to the contraband trade, as they had done in former times, for evading such imposts. They were displeased, moreover, with the explicit and comprehensive terms in which Otis acknowledged the authority of Parliament, for they did not choose to be reminded of their subjection in such positive language. As a matter of taste, we may admit, that they were right on this point, and that Otis's ardent temperament and incautious use of words led him to exaggerate the sovereignty of England over her colonies. But in all other respects, the course which he pursued was undoubtedly the most judicious one for the interests of America.

The restrictions on trade had always been felt as the most onerous and oppressive acts of the English government, and were rendered tolerable in the colonies only by the frequency

and ease with which they were evaded. Otis now clearly foresaw, that these evasions would be stopped, through the greater vigilance of the revenue officers, acting under the instructions of the ministry, and that the only mode of preventing the consequent ruin of colonial commerce was to procure the repeal of the obnoxious acts themselves. Again, to admit the principle, that these acts were constitutional at all, was equivalent to a recognition of them in all cases, and to any degree; and then a revenue might be obtained from America through their agency as readily as by means of direct taxes. By not following his counsel, the patriots were able, it is true, to procure a repeal of the Stamp Act; but a duty on tea and other articles soon followed, and then they were obliged to be inconsistent in their conduct and arguments, to unsay all their former words, and to deny the power of England to levy indirect taxes. Otis was not only faithful to the cause, but was more provident and sagacious in selecting a course of policy and defence than those who censured him.

It may be remarked, that this unpopularity of Otis was of short duration, and that he soon regained that place in the affections and confidence of his countrymen, to which his eminent services so fully entitled him. Thus, at the close of the

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session, when a committee was chosen by the House to sit during the recess, and to open a correspondence with the other colonies, desiring them to unite with Massachusetts in opposition to the scheme for taxing America, Mr. Otis was appointed its chairman. The letter of instruction to the provincial agent, to which we have already alluded, was sent to England by authority of the lower House alone, the consent of the Council not being even asked. This was contrary to practice, as instructions to the agent had always been forwarded in the name of both branches of the legislature. The Council protested against such an informal proceeding; but the House refused to join in preparing another letter, and the Governor immediately put an end to the session.

Very brief extracts will show the bold and manly tone of the letter of instructions written by Mr. Otis, and adopted by the representatives. "The silence of the province," he says, in regard to the Sugar Act, "should have been imputed to any cause, even to despair, rather than be construed into a tacit cession of their rights, or an acknowledgment of a right in the Parliament of Great Britain to impose duties and taxes upon a people, who are not represented in the House of Commons."

"Granting the time may come, which we

hope is far off, when the British Parliament shall think fit to oblige the North Americans, not only to maintain civil government among themselves, for this they have already done, but to support an army to protect them, can it be possible, that the duties to be imposed and the taxes to be levied shall be assessed without the voice or consent of one American in Parliament? If we are not represented, we are slaves."

"Ireland is a conquered country, which is not the case with the northern colonies, except Canada; yet no duties have been levied by the British Parliament on Ireland. No internal or external taxes have been assessed on them, but by their own Parliament."

"The kind offer of suspending this stamp duty, in the manner and upon the condition mentioned, amounts to no more than this; that, if the colonies will not tax themselves, as they may be directed, the Parliament will tax them."

These passages show with sufficient clearness what was the line of argument adopted by the writer, and with what earnestness he urged the remonstrance against the oppressive acts of the ministry. It is unnecessary, therefore, to quote much from the pamphlet, already alluded to, on the "Rights of the Colonies," published by Mr. Otis at this time, and sent to England, together with the letter to the agent. It displays at

greater length, and enforces with equal ardor, the same principles that are embodied in the instructions to Mr. Mauduit. It is the longest and most elaborate production of his pen, and affords a fair specimen of his impetuous and inaccurate rhetoric, his rapid and eager manner of accumulating facts, arguments, and daring assertions, and the glowing earnestness and depth of patriotic feeling with which all his compositions are animated. We ought not to wonder, that a book written in this style should cause its author to be suspected of great wildness of temperament, if not of actual insanity. But there was method, and a good deal of logical power, in this madness.

The pamphlet was reprinted, circulated, and read, in Great Britain, and it even attracted the notice of the House of Lords. In February, 1766, during a debate in that body on the disturbances in America, Lord Littleton made some allusion to the peculiar opinions of Mr. Otis, and spoke slightly of his book. Lord Mansfield replied, "With respect to what has been said, or written, upon this subject, I differ from the noble lord, who spoke of Mr. Otis and his book with contempt, though he maintained the same doctrine in some points, although, in others, he carried it further than Otis himself, who allows every where the supremacy of the crown over

the colonies. No man on such a subject is contemptible. Otis is a man of consequence among the people there. They have chosen him for one of their deputies at the Congress, and general meeting from the respective governments. It was said the man is mad. What then? One madman often makes many. Massaniello was mad, nobody doubts ; yet, for all that, he over-turned the government of Naples. Madness is catching in all popular assemblies, and upon all popular matters. The book is full of wildness. I never read it till a few days ago, for I seldom look into such things."

The work is divided into four parts, treating respectively of the origin of government, of colonies in general, of the natural rights of colonists, and of the political and civil rights of the British colonists. The writer maintains, that government is founded, not, as some suppose, on compact, but, as Paley afterwards affirmed, on the will of God. By the divine will, the supreme power is placed "*originally and ultimately* in the people ; and they never did, in fact, freely, nor can they rightfully, make an absolute, unlimited renunciation of this divine right. It is ever in the nature of a thing given *in trust* ; and on a condition the performance of which no mortal can dispense with ; namely, that the person or persons, on whom the sovereignty is conferred

by the people, shall incessantly consult their good. Tyranny of all kinds is to be abhorred, whether it be in the hands of one, or of the few, *or of the many.*"

Speaking of the colonists, he says, "Their loyalty has been abundantly proved, especially in the late war. Their affection and reverence for their mother country are unquestionable. They yield the most cheerful and ready obedience to her laws, particularly to the power of that august body, the Parliament of Great Britain, the supreme legislative of the kingdom and its dominions. These, I declare, are my own sentiments of duty and loyalty." But he goes on immediately to affirm, in his blunt fashion, that "he who would palm the doctrine of unlimited passive obedience and non-resistance upon mankind, and thereby, or by any other means, serve the cause of the Pretender, is not only a fool and a knave, but a rebel against common sense, as well as the laws of God, of nature, and his country." He angrily repels the charge, that the colonies were seeking for independence, insisting that the people had a "natural and almost mechanical affection for Great Britain, which they conceive under no other sense, and call by no other name, than that of *home*. We all think ourselves happy under Great Britain. We love, esteem, and reverence our mother country, and adore our

King. And could the choice of independency be offered the colonies, or subjection to Great Britain on any terms above absolute slavery, I am convinced they would accept the latter."

He does not suppose, that the charters are the only, or even the chief, safeguards of colonial rights and privileges. On the contrary, he grants it to be barely possible, that the common interest might at some time require all the charters to be annihilated by act of Parliament. "What could follow from all this, that would shake one of the essential natural, civil, or religious rights of the colonists? Nothing. They would be men, citizens, and British subjects, after all." He maintains, that it was one of the conditions on which, by divine will, the supreme power was originally vested in the government, that "taxes are not to be laid on the people but by their consent in person, or by deputation." This principle he declares to be one of the fundamental maxims of the British constitution, and, of course, the colonists, as British subjects, were entitled to the full benefit of it. "The very act of taxing, exercised over those who are not represented, appears to me to be depriving them of one of their most essential rights; and, if continued, seems to be, in effect, an entire disfranchisement of every civil right. For what one civil right is worth a rush, after a man's

property is subject to be taken from him at pleasure, without his consent?" He goes on to observe, that, "besides the equity of an American representation in Parliament, a thousand advantages would result from it. It would be the most effectual means of giving those of both countries a thorough knowledge of each other's interests."

Whether the line of argument here adopted were judicious or not, under the circumstances, at the time when it was pressed, it is evidently, in itself, clear, consistent, and forcible; and it affords a full justification of the resistance of the Americans to the Stamp Act and the duty on tea. For Mr. Otis proceeds to show, that "the imposition of taxes, whether on trade or on land, on real or personal, fixed or floating, property in the colonies," really amounts to the same thing, and, therefore, that the assumed distinction between external and internal taxation does not exist. He draws a vivid picture of the services rendered by the colonists to the mother country, and shows the hardships to which they had been subjected by the successive and accumulating restrictions on their trade. "I have waited years in hopes to see some one friend of the colonies pleading in public for them. I have waited in vain. One privilege is taken away after another, and where we shall be landed God knows. I

trust He will protect and provide for us, even should we be driven and persecuted into a more western wilderness, on the score of liberty, civil and religious, as many of our ancestors were, to these once inhospitable shores of America."

Mr. Otis was not much given to general speculations upon the future; but there is something very striking in the following language, if we consider how soon the publication of it was followed by those two great crises in the world's affairs, the American and the French revolutions. "I pretend neither to the spirit of prophecy, nor to any uncommon skill in predicting a crisis; much less to tell when it begins to be nascent, or is fairly midwived into the world. But I should say the world was at the eve of the highest scene of earthly power and grandeur, that has ever yet been displayed to the view of mankind. The cards are shuffling fast through all Europe. Who will win the prize is with God. This, however, I know, *detur digniori*. The next universal monarchy will be favorable to the human race; for it must be founded on the principles of equity, moderation, and justice."

To return to the proceedings of the General Assembly of Massachusetts, at this period; it should be mentioned that, at an extra session in the autumn of 1764, an attempt was made to destroy the effect of the first letter of instructions

to Mr. Mauduit, forwarded by the representatives alone, by sending another document, in the form of an address to the House of Commons, written in a different tone, and authorized by both branches of the legislature. At the opening of the session, the committee of correspondence, of which Otis was chairman, brought forward the draft of an address to Parliament, conformable in substance to the instructions issued by the town of Boston to its representatives. It was accepted by the House, but, being wholly incompatible with the views of Mr. Hutchinson and his party, the Council refused to concur. A conference between committees of the two Houses was the result, the Lieutenant-Governor being the manager on the part of the Council, and Mr. Otis on that of the House; and the former, having prepared a different kind of address, succeeded, after much delay and debate, in inducing the committees to accept it, and it was finally adopted by both branches of the legislature, though with great reluctance on the part of the representatives. He appears to have fairly worried them into the adoption of a measure repugnant both to their wishes and their judgment. In this address, exemption from taxes was requested as an indulgence, and not as a right. The objections to the revenue law were coldly stated, on the ground of injury to

the fisheries, and the consequent reduction of the demand for British manufactures. The proposed Stamp Act, it was argued, by draining the colonies of money, would increase this evil; and thus, on the whole, Great Britain would lose more from the diminished sale of her manufactures, than she would gain in point of direct revenue.

This address was duly forwarded to England, but was never presented in form, and therefore had no effect in hindering the passage of the Stamp Act. At a later period, it was laid before the House of Commons, and Governor Bernard subsequently informed the legislature of Massachusetts, that it had been of real service in promoting the repeal of the obnoxious law. But he probably attributed more importance to it than it deserved.

A session of the General Court was held in January, 1765; but no business of importance was transacted, as there was now a general expectation, that some decisive step would soon be taken by the ministry, and all minds awaited news from England with suspense and dread. On the 6th of February, Mr. Grenville introduced his bill for imposing a stamp tax on the American colonies, and it passed the Commons on the 9th, by a vote of two hundred and ninety-four to forty-nine. It went through the House

of Lords without opposition, and became a law in March. Stamped papers, on which a considerable duty was to be paid, were required for all judicial proceedings, clearances at the custom-house, bills of lading, newspapers, and even the diplomas granted by seminaries of learning. The news of the passage of the bill arrived at Boston early in April. The effect was as if a cannon had been fired so near the ears of the people, that they were all stunned by the explosion. They seemed stupefied at first; there was no popular outbreak, no meeting for the passage of violent resolutions. The pause was so calm and deep, that many favorers of the prerogative believed, and wrote to their friends in England, that the colony was willing to submit to the law, and only waited to know when it was to go into operation. But it was the lull which precedes, and not that which follows, the tempest.

The General Assembly came together in May, and Governor Bernard, in his speech to them, made no direct allusion to the act, which he knew would absorb all their attention. He only reminded them, that a supreme legislature must exist somewhere in the empire, and, though there might be "some regulations, which, from their novelty only, will appear disagreeable," that "we should submit our opinions to the determina-

tions of so august a body, and acquiesce, in a perfect confidence that the rights of the members of the British empire will ever be safe in the hands of the conservators of the liberty of the whole." This portion of the speech was referred to a committee, of which Mr. Otis was one; but no direct answer was made to it, as the House was now rather disposed to act, than to bandy words with the Governor. It was resolved, that the other colonies should be invited to unite with them in sending delegates to a Congress, to be held in New York, early in October, to consult together on the present state of affairs and the recent acts of Parliament, and to send up humble petitions for relief.

Though there was nothing, as Hutchinson remarks, in any colonial charter to authorize such a convention, the government party dared not oppose it, and both the Council and the Governor assented to a grant of four hundred and fifty pounds to defray the expenses of the delegates. The speaker signed the circular letter that was prepared for the occasion, and nine colonies acceded to the proposal, and appointed delegates to the Congress. On the part of Massachusetts, Mr. Otis, Colonel Oliver Partridge, and Timothy Ruggles were chosen. The last two were reputed to be friends to the

government, and were appointed by the management of Mr. Hutchinson and his party. Colonel Partridge, indeed, entertained moderate views, and finally acceded to the measures of the Congress. But Brigadier Ruggles, as he was termed, was a strenuous supporter of the prerogative, and he refused to sign any of the memorials prepared by his associates, for which he was afterwards formally censured by the House. It was, perhaps, fortunate, that the fiery spirit of Mr. Otis was hampered by such colleagues, or he might have compromised the cause, at this early period, by some intemperate counsels.

The Stamp Act Congress, as it was called, was not to meet till near the time appointed for the law to go into operation; and, meanwhile, the people took the affair into their own hands. Newspapers, pamphlets, sermons, and associations served to kindle and to manifest their indignant feelings; and the excitement, as usual on such occasions, was expanded and nourished by its own continuance, and seemed to "grow by what it fed on." Such a ferment of opinion could not long prevail without leading to acts of violence, though the patriot leaders deplored this result, and exerted themselves to the utmost to prevent it, foreseeing its future injurious effect upon the cause. Mr. Oliver, who

had made himself very obnoxious by accepting the office of distributor of stamps, on the 14th of August was hung in effigy from the "Liberty Tree," various satirical emblems being suspended beside the figure. In the evening, the effigy was taken down, and carried in procession through the streets to a small building designed for a stamp office, which the mob soon demolished. They then proceeded to Mr. Oliver's house, before which they made a bonfire and burned the effigy, when they dispersed, after having broken some of the windows. Alarmed for the safety of his family and his property, Mr. Oliver consented to appear before the people, under the Liberty Tree, on the next day, and there formally resigned his office.

A fortnight afterwards, a more formidable riot occurred. A mob collected in the evening, proceeded to the dwellings of two unpopular officers of the customs, broke the windows, destroyed the furniture, and nearly ruined the buildings. The rioters then went to the house of Mr. Hutchinson, at the north part of the city, carried off or destroyed every thing which it contained, and demolished every part of it except the walls. The loss of money, plate, and furniture was afterwards estimated at two thousand two hundred pounds. A greater injury, because an irreparable one, was the destruction of a

large collection of manuscripts and other historical materials, brought together by Mr. Hutchinson to serve for his "History of Massachusetts." The indignation excited by this outrage was so great, that the more respectable citizens were enabled to take such measures as effectually to prevent any repetition of the disturbances. The inhabitants of Boston assembled, the next day, in Faneuil Hall, and passed a unanimous vote, expressing their utter detestation of these extraordinary and violent proceedings, and requesting the magistrates of the town to use their utmost endeavors to suppress the like disorders for the future. Many persons concerned in the riot were arrested and committed to jail, where a constant guard was kept up by the militia. Under the countenance and support of several gentlemen, two companies of men were formed and disciplined, and kept constantly ready to preserve the peace of the town.\* The Governor and other constituted authorities were helpless, or fancied that they could do nothing. Bernard wrote home to the ministry, that he was "only a prisoner at large, being wholly in the power of the people. They let me remain as a nominal Governor, that what is done may not appear to be an actual revolt."

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\* Manuscript correspondence of Bernard and Hutchinson.

A very serious, but wholly unfounded charge against Mr. Otis, of being the chief cause of the whole riot, especially of the attack on Hutchinson's house, was afterwards forwarded to England, though probably without the knowledge of the accused, as he nowhere makes any allusion to the calumny. Governor Bernard wrote to the Earl of Shelburne, that a faction had the whole command of the town, and believed it to be in their power to displace any Governor, by raising a popular cry against him. "Over this junto Mr. Otis deservedly presides, and, by his superior powers of inflaming and distracting an infatuated people, is become the director of the whole." The old story is then brought forward, about the origin of his animosity towards Bernard and Hutchinson, "from particular offence taken at their conduct upon private and self-interested considerations. Without such union of popular politics with private revenge, it is impossible to account for the ruin which was brought upon the Lieutenant-Governor." There was no cause, it is said, for the second riot, since the attack upon Mr. Oliver had effected all that was possible towards obstructing the operation of the Stamp Act; the sufferers in this affair were not in favor of the law, "and the Lieutenant-Governor was known to have given the testimony of his opinion

against it. And as a personal resentment against him had been openly professed upon principles of private animosity, it is very fair (without penetrating into the secrets of their cabinet) to impute that inhuman treatment of him to such professed resentment; especially, when the resenter and the popular conductor is the same person."

The letter, from which these extracts were taken, was written in January, 1767, or more than a year after the occurrences to which it relates. In the despatches written at the time, the name of Mr. Otis is not once mentioned. Immediately after the riot, Mr. Hutchinson wrote to the ministry, asking remuneration for his losses, on the ground that he had suffered only from the performance of his duty as a public officer, and never hinting a suspicion, that private revenge was at the bottom of the whole affair. "The change of the currency," he says, "writs of assistance, and letters in favor of the Stamp Act, are said to be the reasons of my being peculiarly obnoxious." But after all, he adds, "I should probably have escaped, if it had not been for my commission as Lieutenant-Governor. The mob, or a party of them, drew up before the Governor's house; but considered that, as it belonged to the province, what damage was done there they would help

to repair ; but mine, being my own property, might be destroyed, and the loss would fall upon me ; and thus my house and every thing in it became a sacrifice."

This letter was written but five days after the riot ; and, as it explains, in a very natural manner, the causes that governed the conduct of the mob, and the reason why Hutchinson, rather than Bernard, was made the sufferer, the accusation made against Mr. Otis, so long afterwards, may at once be dismissed as calumnious and absurd. It may be mentioned, also, that Hutchinson wrote a full account of the affair, many years afterwards, for his "History," and made no insinuation, that the fury of the mob was directed against him through the malice of an individual. The old story, of the origin of the quarrel between him and Mr. Otis, has been already disproved. The fiery temper of the latter was easily stirred to personal hostility by avowed and strenuous opposition on all questions of public interest ; but his lofty and generous spirit was averse to any manifestation of this feeling, except in the most open and decided manner. As a popular leader, he was well aware of the injury done to the cause by public disturbances, and it is quite certain, that he exerted himself to prevent similar outrages for the future. This charge against him has hitherto remained in manuscript,

among the nearly forgotten papers in the office of the Board of Trade; and it would not be worth while to draw it forth to public notice at this late day, even for the purpose of refuting it, were it not to prevent its revival in future, and to show the manner in which he was represented to the British government, and how he was exposed to secret and calumnious attacks, founded only on the prominent stand he occupied in the political discussions of his times.

The Stamp Act Congress met at New York, on the 19th of October, the time appointed for the law to go into operation being the 1st of November. Different committees were immediately appointed to prepare separate addresses, to be sent respectively to the King, the House of Lords, and the Commons. Mr. Otis was a member of the committee for petitioning the lower House, but it is not likely that he wrote the address, which is distinguished by a more temperate tone, and more cautious assertions, than he was accustomed to employ. Probably, he was overruled by his colleagues, as all the proceedings of this Congress are marked with great forbearance and moderation. They stated to the House of Commons, "that the remote situation and other circumstances of the colonies render it impracticable that they should be represented, but in their respective subordinate legislatures;

and they humbly conceive, that the Parliament, adhering strictly to the principles of the constitution, have never hitherto taxed any but those who were actually therein represented; for this reason, we humbly apprehend, they have never taxed Ireland, or any other of the subjects without the realm." This is the substance of Mr. Otis's argument against taxation by authority of Parliament, but it is presented in more humble and moderate terms than he was wont to use on similar occasions.

After signing these addresses, and adopting a declaration of rights and grievances, the Congress adjourned on the 26th, having been only one week in session. The chief good effected by calling together this assemblage was, that it enabled the patriot leaders in the different colonies to become personally known to each other, to obtain unanimity of opinion, and to prepare for concerted action in future. Mr. Otis became intimate with Mr. Rodney, of Delaware, and Mr. Dickinson, of Pennsylvania, and began a correspondence with both of them, which was productive of pleasure and advantage to the individuals themselves, and of gain to the cause in which they were mutually interested. What impression his own character and conduct made upon these gentlemen appears from a remark uttered by Mr. Rodney many years afterwards;

"It was this Congress, in which James Otis, of Boston, displayed that light and knowledge of the interests of America, which, shining like a sun, lit up those stars that shone on this subject afterwards." And Mr. Dickinson wrote, in 1805, "Our acquaintance with one another was formed at the first Congress, held at New York, in the year 1765, and it soon grew into friendship. At this distant period, I have a pleasing recollection of his candor, spirit, patriotism, and philosophy." On the 1st of November, as it appears from the journal of the representatives, "James Otis returned from New York, making his appearance in the House, and laid on the table the proceedings of the Convention." A vote of thanks to him and Colonel Partridge, for their services, was afterwards passed, and Mr. Ruggles was reprimanded in his seat by the speaker, for having refused to sign the petitions, prepared by the Congress. Nothing of importance was transacted during the short remainder of the session ; but, at the close of it, on the 5th, the Governor sent an angry message to the House, complaining of their groundless insinuations against him, and hinting, "that they might possibly stand in such need of advocates, as to make it not prudent for them to cast off any of their natural and professed friends." At the opening of the next session, an answer to this

speech was prepared by Mr. Otis, who was appointed the chairman of a committee for this purpose.

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## CHAPTER VI.

*Two Pamphlets written by Otis.—His Answer to Governor Bernard's angry Message.—His Language on the Repeal of the Stamp Act.—Choice of Councillors.—Letter of Otis to Secretary Conway.—Governor Bernard calumniates Otis to the Ministry.—Compensation to the Sufferers by the Riots.—State Papers written by Otis.—The circular Letter.—Speech.*

DURING the year 1765, Mr. Otis, in addition to his other labors in the public service, wrote and published two pamphlets on the exciting topics of the day, of which it may be proper to take some notice, although they contain, for the most part, only a repetition of the opinions and arguments expressed in his former works. The first was entitled “A Vindication of the British Colonies against the Aspersions of the Halifax Gentleman, in his Letter to a Rhode Island Friend.” At the close of the preceding

year, Mr. Howard, of Halifax, had published a letter to a friend in Rhode Island, in which he ridiculed the plan of American representation in Parliament, and openly defended the justice and expediency of taxation by English authority. Mr. Otis answered him with much spirit, though with more acrimony and personal abuse than was warranted by good manners or good taste. Mr. Howard made a sharp personal retort, when Governor Hopkins, of Rhode Island, took up the controversy, defended Otis, and overwhelmed their common opponent with sarcasm and invective. It must be admitted, on the whole, that the political discussions of that period were conducted with as much heat and indecorum, as the worst of those that have appeared in more recent times.

The following passage, in which Mr. Otis exposes and ridicules the position of the Halifax writer, that "the colonies have no rights independent of their charters," is a fair specimen of the whole performance.

"Is the gentleman a British-born subject and a lawyer, and ignorant that charters from the crown have usually been given for enlarging the liberties and privileges of the grantees, not for limiting them, much less for curtailing those essential rights, which all his Majesty's subjects are entitled to, by the laws of God and nature,

as well as by the common law and by the constitution of their country?+ The gentleman's positions and principles, if true, would afford a curious train of consequences. Life, liberty, and property are, by the law of nature, as well as by the common law, secured to the happy inhabitants of South Britain, and constitute their primary civil, or political, rights. But, in the colonies, these and all other rights, according to our author, depend upon charter. Therefore, those of the colonies, who have no charter, have no right to life, liberty, or property. And, in those colonies that have charters, these invaluable blessings depend on the mere good-will, grace, and pleasure of the supreme power. Every charter in England may be taken away, for they are but voluntary and gracious grants of the crown, of certain admitted local political privileges, superadded to those of the common law. But would it be expedient to strike such a blow without the most urgent necessity?"

The second publication referred to bore the following title; "Considerations on Behalf of the Colonists, in a Letter to a Noble Lord." It was sent anonymously to the publisher in England, being dated at Boston, September 4th, 1765, and signed with the initials, F. A. The object of the writer was to furnish an answer to a pamphlet just published by Soame Jenyns, entitled "Ob-

jections to the Taxation of the Colonies by the Legislature of Great Britain briefly considered." Mr. Otis wrote, on this occasion, with more sobriety and command of temper than he was wont to display, when one of his own countrymen was his opponent; and, though the letter bears some marks of bad taste and defective composition, it is, on the whole, a favorable specimen of his ability as a political disputant.

In answer to one of the arguments adduced for taxing America, that the colonists ought to bear some portion of the burden of the national debt, he observes, "The national debt is confessed on all hands to be a terrible evil, and may in time ruin the state. But it should be remembered, that the colonists never occasioned its increase, nor ever reaped any of the sweet fruits of involving the finest kingdom in the world in the sad calamity of an enormous, overgrown mortgage to state and stockjobbers. No places, nor pensions, of thousands, and tens of thousands sterling, have been laid out to purchase the votes and influence of the colonists. They have gone on with their settlements in spite of the most horrid difficulties and dangers; they have ever supported, to the utmost of their ability, his Majesty's provincial government over them, and, I believe, are, to a man, and ever will be, ready to make grants for so valuable a pur-

pose. But we cannot see the equity of our being obliged to pay off a score, that has been much enhanced by bribes and pensions, to keep those to their duty who ought to have been bound by honor and conscience. We have ever been, from principle, attached to his Majesty and his illustrious house. We never asked any pay; the heartfelt satisfaction of having served our King and country has always been enough for us. I cannot see, why it would not be well enough to go a nabob-hunting on this occasion. Why should not the Great Mogul be obliged to contribute towards, if not to pay, the national debt, as some have proposed? He is a pagan, an East Indian, and of a dark complexion; which are full as good reasons for laying him under contribution, as any I have found abroad, in the pamphlets and coffee-house conferences, for taxing the colonists."

At this time, business in Massachusetts was nearly at a stand. Stamped papers were required by law for nearly all transactions, and, as the people refused to purchase them, nothing was done. Several weeks passed without the performance of any business at the custom-house, or in the courts of law. "No wills were proved," says Hutchinson, "no administrations granted, no deeds nor bonds executed." The inconveniences resulting from this state of things were great,

and the public were anxious for another session of the General Court, which then stood prorogued to the 15th of January. Mr. Otis suggested to the town of Boston the expediency of desiring the Governor not to prorogue it further, and a committee was appointed to wait on him for the purpose. As the necessity of the case was evident, Bernard dared not refuse the request, and the legislature came together at the time appointed. The House immediately adopted the answer, prepared by Mr. Otis during the recess, to the angry message of the Governor at the close of the last session.

The charge of misrepresenting the Governor, and throwing unfair imputations upon him, is refuted by quoting passages from his former message, which plainly imply the very absurd accusation, that the recent violent proceedings in Boston were abetted by the House and the province generally. The paper goes on to say, "The courts of justice must be open, open immediately, and the law, the great rule of right, in every county in the province, executed. The stopping the courts of justice is a grievance which this House must inquire into. Justice must be fully administered through the province, by which the shocking effects which your Excellency apprehended from the people's non-compliance with the Stamp Act will be pre-

vented." An imperative resolution was then adopted by the representatives, that the courts should be opened immediately. The Council caused some delay, and finally refused to concur, on the ground that they had received information, that the Supreme Court would be opened at the commencement of the next term, and that the act was therefore unnecessary. Hutchinson made himself particularly obnoxious, at this time, by strenuously opposing, in his several capacities of Councillor, Chief Justice, and Judge of Probate, the opening of the courts. Some severe reflections on his conduct were made in a newspaper, which reported, though incorrectly, some of his acts and sayings in the Council. That body were at first inclined to consider the publication as a breach of privilege; but they finally contented themselves with passing a vote, that the charges were false.

The war between the two parties was now conducted in the newspapers with some wit, and a good deal of virulent and personal abuse. Direct attacks were made upon the leading individuals on both sides, Hutchinson and Bernard being most exposed to assaults from the one party, and Otis from the other. Some of the articles directed against the latter were particularly marked by scurrility and coarseness of language. They could not fail of producing

some effect on a man of his hasty temper and nice sense of honor. In what light he regarded them appears from a letter, which he wrote, about this time, to his sister, Mrs. Warren. It was dated April 11th, 1766, and contained the following passage; “Tell my dear brother Warren to give himself no concern about the scurilous piece in Tom Fleet’s paper. It has served me as much as the song did last year. The Tories are all ashamed of this, as they were of that; the author is not yet certainly known, though I think I am within a week of detecting him for certain. If I should, I shall try to cure him once for all, by stringing him up, not bodily, but in such a way as shall gibbet his memory *in terrorem*. It lies between Bernard, Waterhouse, and Jonathan Sewall. The first, they say, has not wit enough to write any thing; the second swears off; and the third must plead guilty or not guilty as soon as I see him. Till matters are settled in England, I dare not leave this town, as men’s minds are in such a situation, that every nerve is requisite to keep them from running to some irregularity and imprudence; and some are yet wishing for an opportunity to hurt the country.”

In Governor Bernard’s correspondence with the ministry is found an account of a remarkable transaction in April, in which Otis played the

chief part, and of which no record, so far as I know, has yet appeared in print. It seems that the legislature, at the close of the winter session, was adjourned to the 9th of April. But as the Governor received no advices from England, which rendered another meeting necessary, just before the appointed day of coming together, he prorogued the Assembly to the 23d, and before that date arrived, he dissolved it by proclamation, as the newly-elected members were to meet in May. Otis thought, that the Governor had no power to prorogue or dissolve the legislature while an adjournment was pending, and he published an elaborate argument to this effect in the *Boston Gazette*, citing Lord Coke as authority. He recommended, that the members should meet in spite of the proclamation; and a few persons, it seems, were willing to go along with him in this daring measure. Accordingly, on the morning of the 9th, seven or eight members, of whom Mr. Otis was one, came to the usual place of meeting, and in the afternoon their number was increased to twelve. Still there were not enough for a quorum, for which forty were required, and it seemed impossible to proceed to business. Otis proposed to send a message to the Governor, informing him of the want of a quorum, and requesting him to adjourn them to the next day, when many more mem-

bers were expected to arrive. This proposition was accepted ; but a difficulty arose about the proper means of transmitting a message, ~~and~~ the individuals present at last separated, without doing anything.

The plan was probably devised by Otis to embarrass the proceedings of the Governor ; and it failed because the representatives generally were not prepared to take so bold a step, in defiance of authority hitherto recognized, when there was no urgent business that required legislative action. Bernard was greatly incensed by the attempt, and wrote to the ministry, denouncing the conduct of Otis in the strongest terms. His language was embittered, probably, by another bold and more successful measure of the popular party at this time, which seemed likely to destroy altogether the Governor's influence in the legislature. A list was published of the names of thirty-two members of the lower House, who had either openly favored the measures of government, or had given but a cold support to plans proposed by the leaders of the patriots. It was necessary to give notice of the fact through the papers, as the public were not then admitted to witness the proceedings and debates of the legislature. The consequence was, that nineteen of these persons lost their

election, and the friends of the prerogative were reduced to an insignificant minority.

On the 16th of May, news arrived at Boston of the repeal of the Stamp Act, and the joy thus excited was but little qualified by the information, that Parliament had also passed the law for "securing the dependency of the colonies." This was regarded as a mere form, to save the pride of the administration. At a meeting of the citizens held at the Town Hall, to fix a time for the public rejoicings on account of the repeal, Otis is said to have told the people, "that the distinction between the inland taxes and the port duties was without foundation; for whoever had a right to impose the one, had a right to impose the other; and therefore, as the Parliament had given up the one, (since the act for securing the dependency had no relation to taxes,) they had given up the other; and the merchants were great fools if they submitted any longer to the laws restraining their trade, which ought to be free."\*

The consequence was, as Bernard affirms, that it became the common talk of the people of the town, that no more seizures were to be permitted. And, in truth, but two attempts at

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\* Manuscript correspondence, in the office of the Board of Trade.

seizure were made in the province for eight months afterwards ; and, in both these cases, the goods "were rescued with a high hand. In that at Boston, it is remarkable, that the man who opposed the officers sent for Otis, and he went thither as his counsellor."\*

The new legislature met on the 28th of May, and the representatives chose Mr. Otis for their speaker. Proceeding to the election of members of the Council, on the ground that judicial officers ought not to have a seat at that board, they left out Hutchinson, who was Chief Justice, one of the *puisne* Judges, the Secretary, and the Attorney-General. It had been customary to choose these persons in former years, and as they were most active and efficient in promoting the measures of the administration, their rejection was a serious blow to the Governor's party. Bernard resented this proceeding with his usual petulance and want of judgment. He negatived the appointment of Mr. Otis as speaker, though it was represented to him, that this patriot leader would do much less harm in the chair than out of it ; and he rejected six of the councillors, who were chosen by the House, although the power of applying a negative in such a case had nearly

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\* Manuscript correspondence, in the office of the Board of Trade.

expired from disuse. He then sent an angry and injudicious message to the House, in which he renewed his insinuations about the "private interests and resentments," that were allowed to "execute their purposes under the borrowed mask of patriotic zeal;" and he declared that "the government is attacked in form, when there is a professed intention to deprive it of its best and most able servants, whose only crime is their fidelity to the crown."

The House chose Mr. Cushing to be their speaker, and placed Mr. Otis, as usual, on the committee to answer the message. The reply was evidently written by him, and is a fine specimen of tact and argumentative power, repelling all insinuations, and making the most dexterous use of Bernard's unguarded language. In regard to the choice of councillors, it is said, "We are wholly at a loss to conceive how a full, free, and fair election can be called 'an attack on the government in form.'" Such a charge is little short "of a direct impeachment of the two Houses for high treason. Oppugnation to the King's authority is but a learned mode of expression for fighting against the King's most excellent majesty. But what, Sir, is the oppugnation which we have been guilty of? We have given our suffrages according to the dictates of our consciences, and the best light of our

understanding." In regard to the election of councillors, it is said, "We have released those of the judges of the Superior Court, who had the honor of a seat at the board, from the cares and perplexities of politics, and given them opportunity to make still further advances in the knowledge of the law, and to administer right and justice within this jurisdiction." This course, it is declared, was requisite in order to dissolve "a dangerous union of legislative and executive power in the same persons."

The bad temper and bad taste, in which Governor Bernard's several messages to the legislature, at this period, were conceived, are very remarkable, and may be ranked among the principal causes that gradually, but effectually, alienated the affections of the people of Massachusetts, first, from the persons immediately charged with the government of the province, and, finally, from the royal authority and the whole English dominion. With an arrogant and self-sufficient manner, constantly identifying himself with the authority of which he was merely the representative, and constantly indulging in irritating personal allusions, he entirely lost sight of the courtesy and respect due to a coördinate branch of the government, and made himself ridiculous, while he was ruining the interests of the sovereign whom he was most anxious to

serve. Even Hutchinson, as we learn from the third volume of his ‘History,’ though he was attached to the same policy, and favored the same measures, censures the tone of Bernard’s messages as ungracious, impolitic, and offensive.

These remarks are especially applicable to another message sent by the Governor to the legislature on the 3d of June, on occasion of receiving Secretary Conway’s letter, enclosing the two acts of Parliament, and a resolution recommending that the colony should make compensation to the sufferers by the late riots. Bernard perverted this advice into a “requisition,” and said, that “the authority with which it is introduced *should preclude all disputation* about complying with it.” This was the very language to goad the representatives into refusing the request, in order that they might maintain their right of debate and independent action. Otis, as usual, was made chairman of the committee to answer the message, and the first draft of the reply was certainly from his pen, the style being a little subdued by Mr. Cushing, and revised and polished by Samuel Adams. In this way were prepared nearly all the state papers of Massachusetts, that emanated, between 1763 and 1769, from the House of Representatives. The zeal, learning, and fluency of Mr. Otis were taxed for preparing the documents in the first instance,

and his ardor was tempered by the moderation and good taste of his colleagues.

The answer maintains, with sobriety and firmness, the right of the House to choose such councillors as they saw fit, in spite of the renewed expression of the Governor's displeasure; and it repels with spirit the offensive insinuations, that he had again made, respecting "the private interests, passions, or resentments, of a few men." It seems incredible, that Bernard could have believed that the almost unanimous action of the representatives at this period, in opposition to his administration, had its origin solely in the recollection of a slight put upon the father of one of its members five or six years before. But, if he did not entertain such a belief, the continual allusions, in his messages, to this stale charge must be considered as the paltry effusions of personal malice and resentment against Otis. In his letters to the ministry, he is constantly bringing forward this old story, and appears seriously to maintain, that all the discontent and disturbances in Massachusetts, at this time, were attributable to this insignificant, if not wholly imaginary, cause.

"The *recommendation* enjoined by Mr. Secretary Conway's letter," say the representatives, "and in consequence thereof made to us, we shall embrace the first convenient opportunity

to consider and act upon. In the mean time, we cannot but observe, that it is conceived in much higher and stronger terms in the speech than in the letter." The last paragraph of the answer may be given entire. "With regard to the rest of your Excellency's speech, we are sorry we are constrained to observe, that the general air and style of it savor much more of an act of free grace and pardon, than of a parliamentary address to the two Houses of Assembly; and we most sincerely wish your Excellency had been pleased to reserve it, if needful, for a proclamation."

The House voted an address of thanks to the King, for his assent to the repeal of the Stamp Act, in which they took occasion to declare their "respect and submission to the supreme legislative authority of Great Britain," and declared that they regarded "a constitutional subordination to your Parliament their great privilege and security." In respect to granting compensation to the sufferers by the riots, the House expressed their "abhorrence of the madness and barbarity" of the act; but they thought that pecuniary restitution would be an act of generosity more than of justice, and they wished for time to consult their constituents, before burdening them with the expense. They complained, also, that Hutchinson and the other sufferers had petitioned

the ministry in England for redress, instead of making direct application to the legislature; and on this and the former ground, they resolved to postpone the decision of the matter to the next session. Governor Bernard was much discontented with this result, and, in allusion to their wish to discover the rioters, observed, "I dare say, it will be no difficult work to trace this matter to the bottom." The representatives took fire at this insinuation, and sent a committee to ask for any information he might possess respecting the persons engaged in the riots. But he had none to give; and he evaded the call by saying, that he had heard some hints and some persons named, but had made no minutes of the information.

Mr. Otis brought forward a proposition at this session, and was subsequently made chairman of a committee to carry it into effect, "for opening a gallery of the House for such as wished to hear the debates." He thus aided in establishing, at this early period, when the measure was wholly unprecedented, one of the most important principles of representative government, the publicity of legislative proceedings. Up to this time, in Massachusetts and everywhere else, it was customary for the legislatures to sit with closed doors; and, though the importance and propriety of opening them to the public now appear

very evident, the change was slowly and reluctantly adopted. For more than twenty years after this period, most of the congresses and conventions, that were held in this country, sat in private, and carefully guarded the secrecy of their debates.

In order to correct the prejudiced and unfair statements that Governor Bernard was sending to the ministry in England, respecting the state of opinion in Massachusetts and the other colonies, after the repeal of the Stamp Act, Mr. Otis wrote a letter, in his own name, to Mr. Secretary Conway, a copy of which has been obtained from the office of the Board of Trade; and, as it has never before been printed, it is here inserted at length.

“ Boston, June 9th, 1766.

“ SIR,

“ I take the liberty to assure your Excellency, that, let Governor Bernard’s representations be what they may, the colonies have the most grateful sense of the gracious condescension of his most sacred Majesty, his Parliament, and ministry, in so favorably hearkening to their humble supplications, and granting them so full redress of all their grievances. The addresses, your Excellency will see from this and the other provinces, if not prevented by their Governors, will abundantly convince you of the loyalty of the colonists, of their unbounded affection to his

Majesty's royal person and family, and of that full confidence they repose in the wisdom, justice, and equity of the present truly British and patriotic administration. Your Excellency will see, by the enclosed papers,\* the true state of an unhappy difference begun by Governor Bernard with the General Assembly, without the least provocation on their part; so far from it, that, in all probability, his own conduct, in disobliging the new Assembly, was the principal or more immediate cause of his favorites being left out of the Council in the last general election.

"He may complain of a suspension of the grant of his salary; it is only put off a week or ten days, lest he should adjourn us before we have an opportunity to prepare and transmit such dutiful and loyal addresses as the present conjuncture absolutely requires. There is no doubt but he will have his full salary this week or next, unless he should give us any more of his very extraordinary speeches; and, even then, I believe we shall not be so weak as to give him a handle against us, by denying him a support while he is our Governor. We shall do our duty, and, if he will not do his, we must leave him in the hands of his superiors. Should any persons

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\* Probably the answers returned by the House and the Council to the several messages of Governor Bernard at this session.

attempt to persuade the administration, that the colonists are in the least disposed to forget their duty and loyalty to the best of Kings, they will soon find themselves confuted.

“I have the honor to be, &c.,

“JAMES OTIS.”

The animosity between Otis. and Bernard, as appears from this letter, and from other documents and facts, had now risen to an extraordinary height. The impetuous temper of the former led him to resent and impeach the public conduct of his antagonist with as much warmth as if he were repelling a personal injury, while the more cool and persevering enmity of the latter found vent in his correspondence with the ministry, in which he took every occasion to calumniate the conduct and motives of his opponent. He returns to this topic again and again, as if he imagined, that, by destroying Mr. Otis in the opinion of the administration at home, the whole strength of the popular party in Massachusetts would be broken. A long letter, written to Lord Shelburne, near the end of this year, is entirely filled with a review of Otis's career and character, and is certainly a curious specimen of studied calumnia and abuse. The following introductory remarks show the spirit and temper in which this remarkable document was written :

"I would avoid personalities, but in the present case it is impossible. The troubles in this country take their rise from, and owe their continuance to, one man, so much, that his history alone would contain a full account of them. This man, James Otis, Esq., was a lawyer, at Boston, when I came to the government. He is by nature a passionate, violent, and desperate man, which qualities sometimes work him up to an absolute frenzy. I say nothing of him, which is not known to be his certain character, confirmed by frequent experience."

Of course, the stale account of the origin of Otis's enmity to the government is again brought up, and it may be presumed, that the English ministry by this time were fully informed about it; for, in the letters of Bernard and Hutchinson, it was repeated to them at least a dozen times. The other incidents in the public career of Mr. Otis are reviewed and placed in the worst possible light. Fragments of his speeches in the House are quoted, and, being separated from the context, and probably exaggerated in language, as the Governor could hear of them only from common report, are made to bear a very violent and seditious meaning. Thus he is said to have declared, in reference to Great Britain, that "he wished the island was sunk in the sea, so that the King and his family were saved."

Again, alluding to the provincial Governors, he is reported as saying, that "those who were appointed to the American governments were such as were obliged, either by their crimes or their debts, to fly their country." And of the Council, at a time when that board had assisted in securing the stamped papers, he declared, that "it was an infernal divan, and deserved to be sent to the place whence they derived their counsels."

The impulsive disposition of Otis certainly betrayed him at times into the use of expressions that were not warranted by good taste, and which his cooler judgment would have disapproved. As the language here ascribed to him was characteristic, in a great degree, it is probable that he uttered something like it, though the expressions, no doubt, were much exaggerated. But it was mere evidence of the paltry malice that governs a weak mind, to hunt up offensive words dropped in the heat of debate, to put a strained and injurious construction upon them, and then to retail them to the ministry at home for the purpose of injuring a political opponent. It was the misfortune of a patriot leader, in those times, to be exposed to continued abuse and misrepresentation, of which he had no knowledge, and against which, therefore, he could maintain no defence. This was the heavy burden attached

to the eminency of the position occupied by Otis at this time, as the acknowledged leader of the popular party.

The legislature was called together again in October, expressly for the purpose of compensating the sufferers by the riots. Contrary to expectation, many of the towns, Boston taking the lead among them, had instructed their representatives to vote for the indemnity. The good name of the province abroad had been injured by these acts of violence, and many friends of the patriot cause wrote from England, urging the people in the strongest terms to make remuneration. But the subject was a perplexing one, and the discussion in the House was protracted and warm, one or two bills for effecting the object being rejected by decided majorities. Mr. Otis and his colleagues from Boston exerted themselves in favor of the grant at this session, says Governor Bernard, "as much as they did against it at the last." The difficulty, as usual in such cases, was in determining on whom the necessity of making restitution rested. The natural course was to pay the money out of the public treasury; but many of the country members maintained that it was unjust for the whole province to be charged with damages, when the disturbances occurred only in Boston. They said further, that to vote for such a bill would be to acknowledge

that they had partaken in proceedings of which they had always expressed detestation and abhorrence. But these difficulties were finally surmounted by the urgency of the case, and an act was passed "for granting compensation to the sufferers, and general pardon, indemnity, and oblivion, to the offenders, in the late times." When this act was sent to England, it was negatived by the King in council, on the ground that the provincial legislature had no authority to pass a bill of general indemnity and pardon. But before the news of this negative arrived, the money had been paid, and nothing more was said about the matter. Hutchinson received more than three thousand pounds, and he appeared in person at the bar of the House to thank them for their liberality.

Bernard communicated to the ministry a few trifling passages during this session, in which Otis was concerned, as indicative of the disposition of the popular leaders. During the debate on the indemnity bill, a member, who opposed it, said, in direct terms, that "the Parliament of Great Britain has no right to legislate for us." Whereupon Mr. Otis rose, bowed towards him, and thanked him, saying that "he went further than he himself had as yet done in *that* House." In another debate, on an affair growing out of some resistance offered to the officers of the

customs, a member observed, "that he knew the time when the House would readily have assisted the Governor in executing the laws of trade, instead of being moved to oppose him in it." Otis replied, that "the times were altered; they now knew what their rights were; then they did not." These remarks are comparatively trifling, but they show what effects had been produced by the discussions respecting the rights of the colonists, which had now lasted for five or six years. The attempts of the ministry to extend the prerogative only caused the authority of the Crown and the Parliament to be brought in question, in cases where it was once universally acknowledged.

The political history of the province, during the next eight or nine months, offers nothing of much interest. There was a lull in the storm of public affairs, and, if the Governor had possessed sufficient tact and temper, he might have made good use of it in recovering his popularity, and turning the affections of the people once more towards the mother country. But, instead of doing this, he kept up teasing controversies with the representatives on points of comparatively little importance. Among the subjects thus agitated were the right of the Lieutenant-Governor to a seat in the Council, though without a vote, by virtue of his office; the right of the

lower House to maintain a provincial agent in England without the concurrence of the Governor and Council; the propriety of printing acts of Parliament in the same book with the acts of the legislature, and at the expense of the province; and the appropriation of money to defray the expenses of a small body of troops that had arrived in the harbor of Boston. In the discussion on all these topics, and in preparing the official documents for the House, Mr. Otis, as usual, took the lead, and showed himself a vigilant and intrepid guardian of the rights of the people.

In the summer of 1767, Parliament passed an act "to raise a revenue in America," imposing duties on glass, paper, painters' colors, and tea. Another act enabled the King to put the customs and other duties in America, and the execution of laws relating to trade there, under the management of commissioners to be appointed for the purpose, and to reside in the colonies. The news of the passage of these bills arrived at Boston in August, and the popular excitement, which had died away on the repeal of the Stamp Act, was at once renewed. But some uncertainty and difference of opinion existed in relation to the proper measures to be pursued at this crisis. The duties were not to be collected till November, and a town meeting was held in

Boston, in October, to consider the state of affairs. Here Mr. Otis appeared, contrary to his usual practice, as the adviser of moderate and cautious proceedings. When he was charged with being a friend to the act for appointing commissioners of customs, he vindicated himself in print, saying that, "if the name and office of Commissioner-General imports no more than that of a Surveyor-General, no man of sense will contend about a name. The tax, the tax, is undoubtedly, at present, the apparent matter of grievance."

The truth was, the patriot leaders, and the more respectable and thoughtful citizens, were afraid of a renewal of popular disturbances and riots, and they thought it necessary to restrain rather than to excite the indignation of the people. Resolutions were passed unanimously to encourage the manufactures of the province, and to abstain, as much as possible, from the purchase of articles on which duties were imposed. Associations were formed for this purpose, and papers were drawn up and signed, the subscribers pledging themselves to avoid the use of certain commodities. Bernard was deceived by the quiet character of these proceedings, and represented them as "the last efforts of an expiring faction," at the very time when the opposition was becoming more firm and unanimous.

When the legislature came together in January, 1768, a large committee, of which Mr. Otis was one, was appointed to consider the state of public affairs. They soon reported a petition to the King, a long letter to Mr. De Berdt, the provincial agent, and letters to Lord Shelburne, General Conway, the Marquis of Rockingham, and several other distinguished noblemen. They afterwards reported a circular letter to the speakers of the several Houses of Assembly in the other colonies. [These documents are among the ablest and most important of all the American state papers, prepared before the revolution, whether regarded as containing historical facts, or as indicating the spirit and temper, the opinions and designs, of the prominent leaders of that day. The House accepted them all, and they were forwarded to their respective destinations. The honor of having prepared them must be divided between Mr. Otis and Samuel Adams, the former furnishing the first draft, and the latter revising and correcting it, and adding a few passages of his own composition. While the committee was in session, a friend asked Mr. Otis if the documents which they intended to report were yet finished. He answered, "They are nearly ready. I have written them all, and handed them to Sam to *quieuvicue* them." He intended to say, that the task of Adams was to correct the phra-

seology, and to attend to those minor points of method and propriety, which his hasty and careless temper induced him to neglect.\*

These documents have all been published in the collection of Massachusetts State Papers, and in other forms; and it is unnecessary, therefore, to give an analysis or extracts in this place. The argument, in every essential respect, is the same as that which was used in opposition to the Stamp Act; it was equally applicable in this case, for, though the duties now levied were ranked under the head of external taxes, it was expressly declared in the preamble of the bill, that the object of imposing them was "to raise

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\* The internal evidence, that these celebrated state papers were prepared chiefly by Mr. Otis, is very strong, and quite confirms the statement here made, which Mr. Tudor probably received directly from John Adams, whose means of information were such, that he could not be mistaken on this point. The style was certainly polished by Samuel Adams, who was a more correct, though not an equally forcible and argumentative writer; and he may have carried his emendations so far, that it was sometimes necessary to make a fair copy of the document in his own hand-writing. If copies of any of these papers should be found, therefore, among the manuscripts of Samuel Adams, this fact would not weaken the considerations adduced for ascribing the first draft, and the tone and substance of the argument, to the pen of Mr. Otis. The evidence of authorship founded on hand-writing alone is at all times uncertain and deceptive.

a revenue," and not to regulate commerce. Consequently, the argument that the people could not be taxed except by their own representatives, was as much in point as in the former case. It is enough to say of these papers generally, that they are written with marked ability, judgment, and good temper. They repeat the former professions "of loyalty, duty, and affection" to the King, and the emphatic denial, that the colonists entertained any desire of establishing their independence. One of the letters concludes with a suggestion, "that the nation has been grossly misinformed with respect to the temper and behavior of the colonists; and it is to be feared, that some men will not cease to sow the seeds of jealousy and discord, till they have done irreparable mischief."

This reproach was aimed against Bernard, being called forth by certain angry passages between the Governor and the representatives during this session. By a committee, of which Otis was chairman, the House requested his Excellency to communicate to them a copy of a letter recently received from Lord Shelburne, and also copies of his own letters to which it alluded. Shelburne's letter was intended to be a conciliatory one; but, as it alluded to "improper excesses" into which the Assembly had been betrayed by "private resentments," it was

reasonably concluded, that their proceedings had been misrepresented to his lordship, and that Bernard was the calumniator. The Governor answered stiffly, that they had already a copy of Shelburne's communication, though under an injunction that no other copy should be taken; and as to "his own letters, he knew of none that could be of any use to them on this occasion." The House replied with some very severe remarks on the injurious misrepresentations of their conduct, which had been forwarded to the ministry in England; and they prepared an application to the ministers themselves, asking that copies of these libellous letters might be transmitted to them, so that they might be able to vindicate themselves and their constituents. It has already been shown how abusive the Governor's letters were in respect to Otis, against whom, indeed, nearly all the calumny was directed; and it must be admitted, that the representatives showed only a proper indignation respecting this affair, though they knew not half the length to which it had been carried.

The House had some cause for triumph on this occasion, as Lord Shelburne's letter conveyed an implied censure on Bernard's conduct, cautioning him against "the extremes even of legal right," and advising him to make use of the protection which the ministry would afford

him "*in those cases only where the honor and dignity of his Majesty's government is really concerned.*" The Governor closed the session with a speech, "in which," says Hutchinson, "he censured the House, or rather those members by whom the House had been influenced, in much sharper language than he had ever used before; but it gave them no concern, seeing it increased rather than lessened their popularity."

A strong sensation was created in England, when the ministry received the news of the circular letter that had been transmitted to the assemblies in the other colonies. Mr. De Berdt wrote, that they considered it "little better than an incentive to rebellion;" and they very absurdly wished the legislature of Massachusetts to recall it, although, when once sent, it was executed. There was no reason for expressing so much concern, as the letter was temperately conceived, was intended only to promote unanimity of opinion among the colonies, and did not propose, or even hint at, any active measures of resistance. But when the new legislature came together in May, 1768, the Governor communicated to them a peremptory requisition from the ministry, in a letter from Lord Hillsborough, that they should rescind the resolution for sending their circular letter, on penalty of being immediately dissolved. Some altercation fol-

lowed between Bernard and the House, the latter wishing to obtain copies of the whole correspondence between him and the ministry relating to this affair. He finally sent them the whole of Lord Hillsborough's letter, of which he had communicated but a part at first; but he observed, with considerable warmth, "You may assure yourselves, that I shall never make public my letters to his Majesty's ministers, but upon my own motion, and for my own reasons."

The spirit of the representatives was now fully excited, and, on the 30th of June, they answered this requisition in a message, probably written by Otis, of much firmness and strength of argument. They allude to the inoffensive character of the circular letter, which, they say, "was conceived in terms not only prudent and moderate in themselves, but respectful to that truly august body, the Parliament of Great Britain, and very dutiful and loyal in regard to his Majesty's sacred person, crown, and dignity." They go on to remark, "Your Excellency must know, that the resolution referred to is, to speak in the language of the common law, not now *executory*, but, to all intents and purposes, executed. The circular letters have been sent, and many of them have been answered; those answers are now in the public papers; the pub-

lic, the world, must and will judge of the proposals, purposes, and answers. We could as well rescind those letters as the resolves." They conclude by saying, "We have now only to inform your Excellency, that this House have voted not to rescind, as required, the resolution of the last House; and that, upon a division on the question, there were ninety-two nays and seventeen yeas."

Immediately on the receipt of this message, the Governor prorogued the General Court, and on the next day dissolved it. The determination was taken not to hold the usual winter session, and to have no other meeting of the legislature till the expiration of the full time allowed by the charter, in May, 1769. The decision of the House against rescinding the circular letter was received with enthusiasm throughout the country, and the number ninety-two became a favorite toast, and a subject of frequent allusion. It was ordered, that the names on both sides should be printed, which was at that time an unusual measure; and while one list was handed about with honor and applause, the other was hung up for contempt and derision. While the letter of Lord Hillsborough was under consideration in the House, Otis made one of his most successful speeches, nearly two hours long, inveighing with great bitterness against the ministers,

the English nobility, and the House of Commons. Some account of it is preserved by tradition, and among the papers transmitted by the Governor to the ministry. The language was probably exaggerated ; otherwise, it must be admitted, that Bernard's remark concerning it was just, that it was both virulent and rhapsodical. But it was well suited to the excited temper of the House at this juncture.

The following sentences are copied from a manuscript account of this speech, which was sent at the time to the ministry. "Respecting the nobility of Great Britain, he observed as follows ; 'Pray, who are those men ? They have titles, it is true ; they are raised above those whom they are pleased to style the vulgar. They have badges to distinguish themselves with ; the unthinking multitude are taught to reverence them as little deities. And for what ? Not their virtues, sure. This cannot be the case ; 'tis notoriously known, that there is no set of people under the canopy of heaven more venal, or more corrupt and debauched in their principles. Is it, then, for their superior learning ? No, by no means. It is true, they are sent to the universities of Oxford and Cambridge ; and pray, what do they learn there ? Why, nothing at all but — smoking and drinking. A pious setting out, truly ! Seven or eight years spent to a fine

purpose, indeed! Let us attend them a little further. As a finishing stroke, they are sent to France; and what do they see there? Why, the outside of a monkey. And what are they, when they return home again? Complete monkeys themselves.\*

“ ‘ We have now before us a letter from Lord Hillsborough. From the style, one would conclude it to be the performance of a schoolboy. They are pleased, in their wonderful sagacity, to find fault with our circular letter. I defy the whole legislature of Great Britain to write one equally correct.’ ”

These pithy but coarse invectives remind one of the language ascribed to Otis at a later period, during a session of the legislature at Cambridge. It was said, in defence of some measure, that it was taken by advice of Council. Otis exclaimed, “ Ay, by advice of Council, forsooth! And so it goes, and so we are to be ruined! The Council are governed by his Excellency, his Excellency by Lord Hills-

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\* That the coarse language here ascribed to Otis was not wholly imaginary, appears from independent testimony; for Mr. Tudor says, that the late Dr. Danforth, who heard the speech, was accustomed to repeat this sentence from it, which he remembered from its singularity. “ And who are these ministers? The very frippery and foppery of France, the mere outsides of monkeys.”

borough, Lord Hillsborough by his Majesty, his Majesty by Lord Bute, and Lord Bute by the Lord knows who. This recalls to mind what used to be said when I was a student in this place. It was observed at that time, that the president directed the scholars how they should act, madam directed the president, Titus, their black servant, governed madam, and the devil prompted Titus."

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## CHAPTER VII.

*Troops sent to Boston.—Speeches of Otis in Town-meeting.—Convention of Delegates.—Legislature adjourned to Cambridge.—Addressed by Otis.—Action of the House.—Otis's Letter to a Nobleman.—Bernard's Letters.—The Governor recalled.—Health of Otis fails.—Assault upon him.—He retires to the Country.—Anecdote of him.—His residence at Andover.—His Death and Character.*

SOME disturbances took place in Boston, during the summer of 1768, in consequence of the arbitrary and insulting manner in which the commissioners of customs exercised their office.

On the 20th of June, a vessel belonging to Mr. Hancock was seized by them, and, the inhabitants resenting the act, as specially designed to insult one of the most distinguished patriots, a mob collected, assaulted some of the officers, and burnt the collector's boat. The officers immediately took refuge in the castle, saying that their lives were not safe in the town. The leaders of the patriots believed, that the whole affair was concerted in order to create a disturbance, that might seem to justify the introduction of troops into the town. To frustrate this intention, they caused a town-meeting to be held, at which Otis presided, and a large committee was appointed, of which he was chairman, to draw up a true statement of the affair, and transmit it to the ministry in England.

At the end of the summer, intelligence arrived, that a body of troops was to be sent to Boston. The news created great alarm, and on the 12th of September, a town-meeting was held at Faneuil Hall, of which Otis was chosen moderator, and was received with a general clapping of hands. From a manuscript account of the proceedings, furnished to the ministry at the time by some spy, the following extract is taken;

“It was observed by Mr. Otis, ‘that the times were then very alarming; that they had infor-

mation of troops being sent from Halifax to this town, though he believed, in his own mind, that there was no such thing intended, as there was no manner of occasion for them.' It was afterwards proposed, that the inhabitants should arm themselves, the reason being assigned, that a French war would certainly commence soon, and probably their town might be invaded by a foreign enemy. On this being mentioned, there was a general smile. Those that had no arms of their own were reminded, that there were plenty in Faneuil Hall, belonging to the province, which would, on application, be delivered to those who had none of their own. On this being hinted, another gentleman of the town observed, that arms in the hands of undisciplined men were but of little use, and that it would be requisite to train the inhabitants at least once or twice a week; and he offered his own services for that purpose. This motion was unanimously approved.

"Faneuil Hall being too small to contain the people, it was proposed to adjourn to Dr. Sewall's meeting-house; which they did accordingly, to the number of about three thousand, as I then concluded. Mr. Otis was chosen moderator, and, at the request of the people, made his harangue from the pulpit. The substance of what was then spoken tended to this pur-

pose ; ‘That in case Great Britain was not disposed to redress their grievances after proper applications, the inhabitants had nothing more to do, but to gird the sword to the thigh, and shoulder the musket.’”

The object of this reporter was evidently to state only the more violent portion of the proceedings and speeches ; for another account represents Otis as “ strongly recommending peace and good order, and the grievances the people labored under might in time be removed ; if not, and we were called on to defend our liberties and privileges, he hoped and believed we should, one and all, resist even unto blood ; but at the same time, he prayed Almighty God it might never so happen.” A committee was appointed to inquire of the Governor on what grounds he had declared, that three regiments might daily be expected ; and to urge him, in the present critical state of affairs, immediately to call together the General Court. Another committee was chosen, to take into consideration the general state of affairs ; and the meeting was then adjourned to the next day to hear the reports.

The first committee waited on the Governor, and were received by him with much politeness, though he deferred giving them his answer till the following day. “ The next day, Mr.

Otis, having received my answer in writing," says the Governor, "reported the whole, took notice of the polite treatment they had received from me, and concluded that he really believed, that I was a well-wisher to the province. This, from him, was uncommon and extraordinary." The object of speaking so mildly was evidently to prevent any outbreak of popular indignation against the Governor. The substance of Bernard's reply was, that the information respecting the coming of the troops was from a private source, as he had no public letters on the subject; and as for calling an assembly, he could do nothing till he had received his Majesty's commands.

The other committee reported sundry resolutions on the state of affairs. It was resolved, that raising or keeping a standing army in the town, without the consent of the inhabitants, was an infringement of their chartered rights; and, as the people labored under many grievances, while the Governor had declared he was unable to call a General Court, which was the proper organ for the redress of such grievances, that the town should then make choice of a committee, to meet with the committees of the other towns, in a convention to be held in Faneuil Hall, on the 22d of that month. Otis, Cushing, Adams, and Hancock, were chosen for this purpose. It was

also voted, that all the inhabitants should arm themselves, "as there is at this time a prevailing apprehension, in the minds of many, of an approaching war with France." The concluding vote was an order, that the next Tuesday should be set apart as a day of fasting and prayer.

In conformity with these votes, the selectmen of Boston, on the 14th, issued a circular letter to the other towns in the province, requesting them to choose committees to meet in convention on the day specified. About ninety of the towns complied with this invitation, and committees from sixty-six of them met, on the 22d, in Faneuil Hall. This was certainly the boldest step that had yet been taken by the popular party, and it seemed to tend directly towards a revolution. It was said, that the selectmen of Boston had incurred the penalties of treason by summoning such an assembly, and pains were taken to obtain and preserve the original letters signed by them. In truth, the members of the convention seemed to think, that they were going rather too fast; and they sat but few days, and did but little business. As they considered themselves only as a body of private citizens, and expressly disclaimed any pretence to authoritative acts, the public did not expect much from them; and they soon gladly resigned their task of defending the people's legal rights into

the hands of the people's legal representatives. They petitioned the Governor to call a General Court; he warned them of the dangerous nature of their meeting, and repeated his former answer, that he had no authority to grant their request. The convention made a report, in which they deprecated the employment of a standing army, and recommended the people to persevere in the most prudent and peaceable conduct, and then dissolved.

On the day when they separated, two regiments of troops arrived from Halifax, and, after filling the barracks at the Castle, were quartered in Faneuil Hall and the other public buildings. Their coming justified the saying of Dr. Franklin, that troops sent to America would not find a rebellion, but might make one. No employment could be found for the soldiers after they arrived. There were no assemblages of armed men to be put down by them, no popular outbreaks to be repressed. The only revolution that was now going on was in the affections of the people, which were gradually drawing away from the mother country, and clustering, with exclusive fondness, round their new home. This change was hastened by the presence of the military. The people were irritated to the last degree by the avowal of a disposition to coerce them into obedience, and the insults which both officers

and soldiers were constantly compelled to receive, only indicated the exasperation of the public mind against the authority that employed such agents with such ends in view. If the idea of compulsory subjection had not been brought to mind by the sight of an armed force, sent from abroad, the actual revolution might yet have been postponed for a considerable period. The bond of love towards England was far stronger than that of fear. The inhabitants hated the soldiers, but did not stand in awe of them, as there was no opportunity for their prowess to be shown. Mr. Otis pithily expressed the feelings of the citizens towards the troops in the following manner. The Superior Court met in November, in the Town-House, the main guard being posted on the opposite side of the street, while cannon were planted in front, and a body of soldiers were quartered in the representatives' chamber. As soon as the court opened, Otis rose, and moved that it should adjourn to Faneuil Hall, assigning as a reason, "that the stench occasioned by the troops in the representatives' chamber might prove infectious; and that it was utterly derogatory to the court to administer justice at the points of bayonets and the mouths of cannon."

The General Court came together on the last Wednesday in May, 1769, being the first session that was permitted to be held since the former

legislature was so unceremoniously dissolved a year before. They found the building surrounded with troops; and Otis rose immediately after they were organized, and made a short speech, with much earnestness and feeling, on the humiliating position in which they were placed. He declared, that it was unworthy a free legislature to commence their deliberations in the presence of the military; and he moved the appointment of a committee to remonstrate against the occupation of the town by an armed force, and to request the Governor immediately to order the removal of this force, "by sea and land, out of this port and the gates of this city, during the session." The proposition was accepted, and Mr. Otis was made the chairman of the committee, who soon reported, what had probably been prepared by him before the opening of the session, a protest and resolutions against this armament, declaring that they had taken their part in the elections of the day, while the troops were in the town, from necessity, and the act was, therefore, "not to be considered a precedent, or construed as a voluntary receding of the House from their constitutional claim."

Bernard answered very laconically, that he had no authority over the ships or troops, and, therefore, could not give orders for their removal.

Mr. Otis was again employed by the House to answer this communication. The message prepared by him, and transmitted to the Governor on the 13th of June, declares that "it is impossible to believe that a standing army, stationed here in consequence of misrepresentations, quartered contrary to act of Parliament, accompanied with every mark of contempt, reproach, and insult, can be uncontrollable by the supreme executive of the province, which, within the limits of the same, is the just and full representative of the supreme executive of the whole empire." Except the preparation of this message, the House did no business, but merely adjourned from day to day, declaring that they would not consider the affairs of the province while they thus appeared to act under constraint. A fortnight having thus elapsed, the Governor declared he could not "see such a waste of time and treasure to no purpose;" and, as they would not proceed to business where they were, he should adjourn the court to Cambridge; to which place they were accordingly adjourned.

When the representatives assembled in the chapel of Harvard College, Otis again addressed them before proceeding to business. Besides the members of the House, who were much excited by the circumstances under which they

met, many of the students of the institution were present, attracted by the reputation of this eloquent champion of popular rights, and watching, with great interest, the progress of scenes so novel in academic halls. Otis harangued this audience, says Mr. Tudor, "with the resistless energy and glowing enthusiasm, that he could command at will; and, in the course of his speech, took the liberty, justified by his successful use of it, as well as by the peculiarity of the occasion, to apostrophize the ingenuous young men, who were then spectators of their persecution. He told them the times were dark and trying; that they might soon be called on, in turn, to act or suffer; he made some rapid, vivid allusions to the classic models of ancient patriotism, which it now formed their duty to study, as it would be hereafter to imitate. Their country might one day look to them for support, and they would recollect that the first and noblest of all duties was to serve that country, and, if necessary, to devote their lives in her cause." The effect of such glowing observations as these, addressed to young men whose minds were already fully imbued with the political principles recommended by the speaker, may easily be imagined; their enthusiasm rose to the highest pitch, and, if the time for the contest had then arrived, they would have been found

among the foremost in the ranks opposed to the soldiery of the King.

After their removal to Cambridge, the House prepared an answer to the last message of the Governor, in which they insisted on the principles that they had already advanced, respecting the impropriety of proceeding to legislative business, while an armed force occupied the town, and surrounded the place of deliberation. Mr. Otis, also, from a committee appointed for the purpose, reported a long set of resolutions, that were unanimously accepted by the House, in which many grievances that the people suffered were exposed and commented upon with great severity. One of these resolutions was as follows. *Resolved*, as the opinion of this House, That the misrepresentations of the state of this colony, transmitted by Governor Bernard to his Majesty's ministers, have been the means of procuring the military force now quartered in the town of Boston." This refers to an event in the preceding April, when the Council received from a friendly member of Parliament copies of six letters written by Bernard, and one by General Gage, to the English ministers. These were all written between the 1st of November and the 5th of December, 1768, and contain an account of facts that occurred about that time. From these facts, the Governor in-

fers the necessity of the King's appointing a royal Council instead of that elected by the representatives, and of an act of Parliament authorizing the King to cancel all commissions that had been issued to improper persons. The Council took their defence into their own hands, and wrote a long letter to Lord Hillsborough, in which they treated the Governor with as little respect as he had shown for them. When the Assembly met, the Council gave an account of these proceedings to the House, and that body, besides passing the resolutions mentioned above, expressed by a separate vote their high satisfaction with the conduct of this coördinate branch of the legislature.

The publication of these letters gave the last blow to the popularity of Bernard. Since the controversy about colonial rights arose, the difficulties of his situation and the infirmities of his temper had caused him constantly to lose ground with the people; and the ministry were at last persuaded, that the best course was to recall him, though in as honorable a manner as possible, and to leave the future conduct of the quarrel to the cooler judgment and greater ability of Hutchinson. On the 27th of June, the representatives, by a unanimous vote, resolved to petition the King for the removal of Bernard from office, and assigned numerous reasons for

this request, though most of them would tend rather to recommend the Governor to the ministry, than to injure him in their opinion. The next day, Bernard sent a special message to inform them of what, indeed, was well known before, that the King had commanded him to return to Great Britain, and that the administration of affairs in the province, meanwhile, was to be left to the Lieutenant-Governor. The House responded, that they "cheerfully acquiesced" in this command of their sovereign, and that the order for a true statement of the affairs of the province gave them peculiar satisfaction. When the King learned how great were the grievances that his subjects had suffered, he would frown upon and remove all who attempted to deceive him by wickedly misinforming his ministers.

There were several other sharp passages, during this session, between the representatives and the Governor, Mr. Otis, as usual, being the manager of the controversy on the part of the House. The subjects most in dispute were the funds to be provided for defraying the expenses of the troops in Boston, and the claim for a grant of salary by anticipation to the Governor. But this war of mutual taunts and reproaches is not of much interest now, and enough has already been said to show its general character. It would not have been amiss, if a little more charity had

been exercised on both sides. The House might have found some excuse for the Governor in the difficulties of his situation, bound, as he was, by oath to defend the prerogatives of the King, and to obey the directions of the ministers; and Bernard might have "pardoned something to the spirit of liberty," seeing it exasperated by the presence of a military force, and by fresh and increasing burdens of taxation.

In July, a few paragraphs of a letter to Mr. Otis from a nobleman of the opposition party in England were printed in the Boston Gazette. The conclusion of it is as follows. "Farewell, Sir; be of good courage, and remember that, even in these last times, you had the comfort to receive such praises, and such sympathetic expressions of emotion, from a despised remnant of a despised and unfortunate, yet bold and generous, race of patriots." The whining and self-complacent tone of this communication betrays the despondent feelings of a statesman exiled from office. The general tenor of Mr. Otis's reply appears from the following brief extract. "The cause of America is, in my humble opinion, the cause of the whole British empire; an empire which, from my youth, I have been taught to love and revere, as founded in the principles of natural reason and justice, and, upon the whole, best calculated for general hap-

piness of any yet risen to view in the world. In this view of the British empire, my Lord, I sincerely pray for its prosperity, and sincerely lament all adverse circumstances. Situated as we are, my Lord, in the wilderness of America, a thousand leagues distant from the fountains of honor and justice, in all our distresses, we pride ourselves in loyalty to the King, and affection to the mother country."

Early in the autumn of 1769, Mr. Bollan transmitted to Boston copies of many other letters written by Bernard and others to the ministry, during the latter part of 1768 and the beginning of the present year, in which the conduct of the inhabitants was represented in a very injurious light. These letters were published, and a town-meeting was called on the 4th of October, and continued by adjournment to the 18th, for the purpose of considering them and vindicating the reputation of the place. A large committee was appointed, consisting of Thomas Cushing, Samuel Adams, John Adams, James Otis, Joseph Warren, and others, to review and refute the misrepresentations of Bernard. The result of their labors appeared in a pamphlet, said to have been written jointly by Mr. Otis and Samuel Adams, with the following title; "An Appeal to the World, or a Vindication of the Town of Boston from many false

and malicious Aspersions contained in certain Letters and Memorials, written by Governor Bernard, General Gage, Commodore Hood, the Commissioners of the Board of Customs, and Others, and by them respectively transmitted to the British Ministry. Published by Order of the Town." It contains a statement of the occurrences as they really happened, and a close and severe examination of the exaggerated and falsely-colored accounts of them, which had been sent to England by the Governor and his party. It illustrates the feelings of the citizens at this period, and ably vindicates their conduct.

The public services of Mr. Otis, which had been of such signal merit and importance, terminated, in fact, at the time of the departure of Governor Bernard. For nearly ten years, he had been the pillar of popular rights, the guide and idol of the people, the chief manager of a political controversy, that was of little note, indeed, if we regard only the narrowness of the scene where it was carried on, or the comparative insignificance, at the time, of the persons who were engaged in it; but which was one of the most momentous in its consequences that the world has ever witnessed. But, in the ardor and assiduity of his devotion to the cause, he had overtasked his mental powers; and his nearest friends saw with dismay, and the pub-

lic with deep regret, that a cloud was now darkening over his mind, which probably would soon incapacitate him for further usefulness. His fine faculties, that had been exerted so strenuously, and with such striking effect, in the service of his country, were sinking under the excitement and the effort which had sustained them in action; and his "noble and most sovereign reason" was now to be,

"Like sweet bells jangled, out of tune and harsh."

He had long since abandoned the ordinary practice of his profession, and given all his time and his thoughts to the "great argument" in which the freedom and welfare of the colonies were involved. To allow one idea exclusively to occupy the mind, constantly to brood over a single topic, is the most frequent and surest cause of mental alienation. It was at once the highest merit and the greatest misfortune of Mr. Otis, that he permitted the political controversy in which the province was then engaged to obtain this absorbing and despotic command of his attention, and the melancholy consequences of his imprudence were now becoming apparent. His excitable and passionate temperament allowed the fire to be soon kindled, and nourished the flame in which his intellect was finally destroyed.

His mental disease came on gradually, and there was, therefore, less hope of his ultimate restoration. It first appeared under a form, which might easily have been mistaken for mere eccentricity of humor; and some time elapsed before the oddity of his fancies and his conduct deepened into acknowledged insanity. The suspicions of his friends might have been first excited by an incident of the last legislative session, of which we have spoken. On one of the questions in dispute, Brigadier Ruggles had made a powerful and ingenious speech, which seemed to leave a deep impression. Mr. Otis immediately rose, and, with an impassioned tone and manner, that seemed to strike awe upon all who were present, exclaimed, "Mr. Speaker, the liberty of this country is gone forever, and I'll go after it;" when he at once turned round, and walked out of the house. The members stared, and some laughed; but no one seemed to suspect the real cause of this odd behavior.

A more painful occurrence soon followed, which still does not appear to have excited any doubts of his sanity, though the part which he bore in it betrayed an ungovernable irritability of temper, and might reasonably have been supposed to spring from a disordered intellect. In the letters of Bernard and the commissioners of

customs to the ministry, copies of which were obtained and sent to Boston, there were insinuations, and even open charges, of treasonable conduct against the leaders of the popular party. Otis, of course, was exposed to a principal share of this abuse; and, he very rightly supposed, that, as these persons had made such allegations in their official correspondence, they had gone much further in their private letters. We have already shown how well founded this suspicion was, by an exposure and refutation of several of the calumnious charges thus brought against him. He was irritated to an extreme degree by this discovery of the malevolence that had been secretly practised against his reputation. His anger, under such provocation, was excusable; but he manifested it in a strange and ill-judged manner, that might have betrayed to a watchful eye the inherent disorder of his mind. In the Boston Gazette of September 4th, 1769, he published the following extraordinary notice.

“ *Advertisement.* Whereas I have full evidence, that Henry Hutton, Charles Paxton, William Burch, and John Robinson, Esquires,\* have frequently and lately treated the characters of all true North Americans in a manner that is not to be endured, by privately and publicly repre-

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\* The four commissioners of customs.

senting them as traitors and rebels, and in a general combination to revolt from Great Britain; and whereas the said Henry, Charles, William, and John, without the least provocation or color, have represented me by name as inimical to the rights of the crown, and disaffected to his Majesty, to whom I annually swear, and am determined, at all events, to bear, true and faithful allegiance; for all which general as well as personal abuse and insult, satisfaction has been personally demanded, due warning given, but no sufficient answer obtained; these are humbly to desire the Lords Commissioners of his Majesty's treasury, his principal Secretaries of State, particularly my Lord Hillsborough, the Board of Trade, and all others whom it may concern, or who may condescend to read this, to pay no kind of regard to any of the abusive representations of me or my country, that may be transmitted by the said Henry, Charles, William, and John, or their confederates; for they are no more worthy of credit than those of Sir Francis Bernard, of Nettleham, Bart., or any of his cabal; which cabal may be well known from the papers in the House of Commons, and at every great office in England.

JAMES OTIS."

"The next evening," says Mr. Tudor, "about seven o'clock, Mr. Otis went to the British Coffee-House, where Mr. Robinson, one of the commis-

sioners, was sitting, as also a number of navy, army, and revenue officers. As soon as he came in, an altercation took place, which soon terminated in Robinson's striking him with a cane, which was returned with a weapon of the same kind. Great confusion then ensued. The lights were extinguished, and Otis, without a friend, was surrounded by the adherents of Robinson. A young man, by the name of Gridley, passing by, very boldly entered the coffee-house to take the part of Otis against so many foes ; but he was also assaulted, beaten, and turned out of the house. After some time, the combatants were separated ; Robinson retreated by a back passage, and Otis was led home wounded and bleeding."

Great excitement was created by this affair, and different statements respecting it appeared in the newspapers. A scabbard was found on the floor after the struggle, and the surgeons testified that the deep wound on the head of Mr. Otis must have been inflicted with a sharp instrument. On these grounds, it was asserted, that the intention of his assailants must have been to commit murder ; but there is not evidence enough to support so grave a charge. Certainly, it was a cruel and dastardly attack, made under circumstances of peculiar aggravation, and probably brought about as much by

political opposition as by personal animosity. Sympathy for Mr. Otis made the public commonly ascribe the alienation of his reason, that soon afterwards became apparent, exclusively to this event. That it hastened and aggravated his malady, is undoubtedly true; but, for reasons already given, we are inclined to put the commencement of the disease back to an earlier date, and to account for it chiefly by different causes.

Mr. Otis brought an action against Robinson, and the jury awarded him two thousand pounds sterling damages. But his high spirit revolted at the idea of receiving pecuniary compensation for a personal insult; and when the defendant, in open court and in writing, acknowledged the fault, and begged his pardon, Mr. Otis released him from the payment of the sum awarded. The acknowledgment and apology by Robinson, and the release, hastily drawn up by Otis himself, are found in the files of the Supreme Judicial Court of Massachusetts.

When the legislature again met at Cambridge, on the 15th of March, 1770, Mr. Otis appeared in his seat, and, as usual, was made a member of several important committees. But the infirmity of his mind was now becoming manifest, and he did not take his ordinary active part in public affairs. His name appears less and less frequently on the records of the legislature, and the

wide space that it left was occupied by Mr Samuel Adams, who shared his political principles, and partook of the enthusiasm of his character. The cause did not materially suffer by the withdrawal of Otis from the scene, any more than by the earlier loss of Oxenbridge Thacher's services, or by the later fall of Warren; and thus was shown the fallacy of the opinion then commonly expressed by the friends of government, that, if "Otis and two or three more factious leaders could be removed, America would generally be quiet." The people were not unanimous on the subject, it is true; for there were partisans of English power and prerogative in every town. But they were comparatively few in number, and insignificant in point of ability; while the patriotic party embodied the vast majority of the inhabitants, and a greatly preponderating weight of talent and influence. In England, the name of Otis was still identified with the cause; and in a debate in Parliament, in January, 1769, he was referred to, both by Lord Clare and Mr. Burke, as the principal champion of the claims of the American colonists.

About this time, Otis went into the country for the benefit of his health; and, though it was announced, early in May, that he was convalescent, it seems he was not in a fit state to be chosen a representative. At a town meeting

in Boston, on the 8th of May, 1770, the following vote was passed.

“The Honorable James Otis having, by advice of his physician, retired into the country for the recovery of his health; *Voted*, That the thanks of the town be given to the Honorable James Otis for the great and important services, which, as a representative in the General Assembly through a course of years, he has rendered to this town and province; particularly for his undaunted exertions in the common cause of the colonies, from the beginning of the present glorious struggle for the rights of the British constitution. At the same time, the town cannot but express their ardent wishes for the recovery of his health, and the continuance of those public services, that must long be remembered with gratitude, and distinguish his name among the patriots of America.”

Though the nature of his complaint was now well understood, he still had frequent lucid intervals, which encouraged his friends, at times, to entertain hopes of his complete restoration. But these were only glimpses of light, and, when the clouds soon gathered again, the darkness appeared the more thick and terrible. During one of these remissions of disease, at the election in 1771, he was again chosen a representative, and made his appearance in the House occasionally

during the first session. But these visits soon ceased, and his name never appeared again on the records of that legislature of which he had so long been the ornament and the guide. Still, during short periods of sanity, or of only partial aberration, his wit and humor, rendered more quaint and striking by the peculiarities of his mental condition, made him the delight of a small circle of friends. The following anecdote, admirably told by President Adams, and furnished by him to Mr. Tudor, belongs to this period, and brings forward, in a very lively way, the peculiarities of his character.

"Otis belonged to a club, who met on evenings; of which club William Molineux,\* whose character you know very well, was a member. Molineux had a petition before the legislature, which did not succeed to his wishes, and he became for several evenings sour, and wearied the company with his complaints of services, losses, sacrifices, &c., and said, 'That a man

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"\* Mr. Molineux was a merchant, but much more of a sportsman, and a *bon vivant*, than a man of business. His sentiments were warmly in favor of his country, and, though often a companion of the English officers, yet an intimate acquaintance of the leading patriots of the day. He is mentioned by President Adams, in another letter, as *protecting* 'Sam. Adams's two regiments,' as Lord North sarcastically called them, when they left the town, in March, 1770, on the requisition of the inhabitants." — *Tudor*, p. 384.

who has behaved as I have, should be treated as I am, is intolerable ! ' &c. Otis had said nothing ; but the company were disgusted and out of patience, when Otis rose from his seat, and said, ' Come, come, Will, quit this subject, and let us enjoy ourselves ; I also have a list of grievances ; will you hear it ? ' The club expected some fun, and all cried out, ' Ay ! ay ! let us hear your list.'

" Well, then, Will ; in the first place, I resigned the office of Advocate-General, which I held from the crown, that produced me — how much do you think ? ' ' A great deal, no doubt,' said Molineux. ' Shall we say two hundred sterling a year ? ' ' Ay, more, I believe,' said Molineux. ' Well, let it be two hundred ; that, for ten years, is two thousand. In the next place, I have been obliged to relinquish the greatest part of my business at the bar. Will you set that at two hundred more ? ' ' O, I believe it much more than that.' ' Well, let it be two hundred ; this, for ten years, is two thousand. You allow, then, I have lost four thousand pounds sterling.' ' Ay, and much more too,' said Molineux.

" In the next place, I have lost a hundred friends ; among whom were the men of the first rank, fortune, and power, in the province. At what price will you estimate them ? ' ' D—n them,' said Molineux ; ' at nothing ; you are

better without them than with them.' A loud laugh. 'Be it so,' said Otis.

"'In the next place, I have made a thousand enemies ; among whom are the government of the province and the nation. What do you think of this item?' 'That is as it may happen,' said Molineux.

"'In the next place, you know, I love pleasure ; but I have renounced all amusement for ten years. What is that worth to a man of pleasure ?' 'No great matter,' said Molineux ; 'you have made politics your amusement.' A hearty laugh.

"'In the next place, I have ruined as fine health, and as good a constitution of body, as nature ever gave to man.' 'This is melancholy indeed,' said Molineux ; 'there is nothing to be said on that point.'

"'Once more,' said Otis, holding his head down before Molineux ; 'look upon this head !' (where was a scar in which a man might bury his finger.) 'What do you think of this ? And, what is worse, my friends think I have a monstrous crack in my skull.'

"This made all the company very grave, and look very solemn. But Otis, setting up a laugh, and with a gay countenance, said to Molineux, 'Now, Willy, my advice to you is, to say no more about your grievances ; for you and I had

better put up our accounts of profit and loss in our pockets, and say no more about them, lest the world should laugh at us.'

" This whimsical dialogue put all the company, and Molineux himself, into good humor, and they passed the rest of the evening in joyous conviviality."

During the remainder of his life, from 1771 to 1783, Mr. Otis lived in seclusion, either at Barnstable or at Andover; his reason still flickered up at intervals, like the light of an expiring lamp; and, at such times, he would make a short visit to Boston, and even attend a town meeting there, or a court of justice; where he appeared, however, only as an impressive monument of decay. His disease did not often take the form of frenzied derangement; most frequently he seemed only like an eccentric humorist, who had little control over his capacities of speech and action. He was very excitable and deep thinking, and even a glass or two of wine often induced delirium. During one of his darker moods, he spent two whole days in destroying all his letters and other manuscripts, thus annihilating many proofs of his literary talents, and the most valuable materials for his biographer. He usually attended public worship, and listened eagerly to the announcements of public events, which were usually made from the pulpit during

the stormy and eventful period of the revolution.

Some anecdotes are preserved of his odd sayings and doings during this lamentable portion of his life; but they are of little importance; the impression they produce is gloomy, and it is useless to repeat them here. Aberration of mind is the most terrible misfortune to which humanity is subject, and we willingly draw a veil over its sad records. To be among men, and yet not of them; to preserve the outward form and lineaments of a human being, while the spirit within is wanting, or is transformed into a wreck of what it has been; is surely one of the most impressive and affecting instances of the ills to which mortality is exposed. It enforces with melancholy earnestness the moral lesson, that the only objects of the affections are the character and the intellect; and when these are destroyed, we look upon the external shape and features only as on the tomb in which the mortal remains of a friend repose. We even long for the closing of the scene, and think it would be far better if the now tenantless and ruined house were levelled with the ground.

In 1781, Mr. Otis was removed to Andover, where he lodged with Mr. Osgood, a respectable farmer, who lived in a retired part of the south parish. There he remained mostly within doors,

seldom going more than fifty yards from the house, and never appearing either violent or restless. He passed his time in reading, lying much in bed, and living mostly upon bread and milk. This indolent and tranquil life made him grow very corpulent, and the irritability of his disposition seemed to subside. He was kind and good-humored to the family, and often showed something of his former power in conversation. After he had been in this place about two years, it was thought he was restored, and, by the advice of his friends, he returned to Boston. He even undertook a cause in the Court of Common Pleas, and showed some ability in the argument, though much less than he had formerly displayed. One of the few fragments in his hand-writing, now extant, is a memorandum made at this period, on a Sunday, after returning from public worship. It is as follows ; "I have this day attended divine service, and heard a sensible discourse ; and thanks be to God, I now enjoy the greatest of all blessings, *mens sana in corpore sano.*"

But this gleam of reason was as transient as others that had preceded it. He had been persuaded to dine with Governor Hancock and some other friends ; and the excitement of the scene, the presence of former companions, and the revived memory of past events, gave too

great a shock to his broken mind. He had been observed before to become thoughtful and sad, and, immediately after this dinner, there was a visible oscillation of intellect. His brother advised him to go back to Mr. Osgood's house, and he acceded to the proposal at once, and with great gentleness.

He showed considerable agitation soon after his return to Andover, and spoke to Mr. Osgood, with much earnestness, about the place where he wished to be buried. He seems to have had a presentiment that his end was nigh; and it is remarkable, that he even anticipated, in some measure, the kind of death that he was to suffer. After his mind became unsettled, he said to Mrs. Warren, "My dear sister, I hope, when God Almighty, in his righteous providence, shall take me out of time into eternity, that it will be by a flash of lightning;" and this wish he frequently repeated. The fulfilment of the desire was now at hand. The concluding scene is well told in the words of Mr. Tudor.

"Six weeks, exactly, after his return, on Friday afternoon, the 23d day of May, 1783, a heavy cloud suddenly arose, and the greater part of the family were collected in one of the rooms to wait till the shower should have passed. Otis, with his cane in one hand, stood against the post of the door which opened from this apartment

into the front entry. He was in the act of telling the assembled group a story, when an explosion took place which seemed to shake the solid earth; and he fell, without a struggle or a word, instantaneously dead, into the arms of Mr. Osgood, who, seeing him falling, sprang forward to receive him. This flash of lightning was the first that came from the cloud, and was not followed by any others that were remarkable. There were seven or eight persons in the room, but no other was injured. No mark of any kind could be found on Otis, nor was there the slightest change or convulsion on his features."

In this affecting and sublime manner was terminated the life of James Otis, after it had ceased to be useful to himself, his friends, or his country. *Felix non vitæ tantum claritate, sed etiam opportunitate mortis.* He was a little more than fifty-eight years old at the time of his death, having lived about twelve years in retirement. His remains were brought to Boston, and interred with every mark of respect, a great number of the citizens attending the funeral.

The services which Mr. Otis rendered to this country were so conspicuous and important, that it is difficult to form an estimate of his character with the impartiality that history requires. Gratitude might justly efface the memory of his faults from the minds of those, who have profited

so largely by his patriotism and his virtues. But it is not necessary thus to seek excuses for his failings, or reasons for covering up the errors that he committed. The defects of his temperament and conduct may be freely mentioned, for they are not such as materially lessen our respect for him as a man. There was no taint of meanness or selfishness in his character. He was proud, irascible, harsh towards his political opponents, impetuous in action, and hasty in judgment. But he was also generous, high-spirited, placable, and disinterested. No imputation can justly be thrown on the sincerity of his patriotism. He resigned a lucrative office, renounced the favor of government, abandoned the fairest prospects of professional emolument and distinction, and devoted himself to the service of his country with unflinching courage, quenchless zeal, and untiring industry. The great popularity that he immediately acquired he used for no sinister or selfish ends. He stooped to none of the arts of the demagogue; he was never carried away by a blind spirit of faction. He opposed the arbitrary designs of the English ministry with great spirit and firmness, though with some indiscretion; but he was no advocate for turbulent dissensions or causeless revolt. He allowed himself to be ruled by the greater moderation and prudence of his associates, while he inspired

them with his own resistless energy and determination.

His abilities, perhaps, were overrated in the admiring judgment of his contemporaries. His style as a writer was copious and energetic; but it was careless, incorrect, and defective in taste and method. As a speaker, he was fluent, animated, coarse, and effective; his eloquence was better adapted to popular assemblies than to the graver occasions of legislative debate; and, in the halls of justice, we may suppose that it produced a greater effect on the jury than the judge. His voice and manner were very impressive, and seemed to force conviction upon his hearers, even when his arguments did not reach their judgment. The few fragments of his speeches, that were reported, and are now extant, give no idea of the enthusiasm that was created by their delivery. The elevation of his mind, and the known integrity of his purposes, enabled him to speak with decision and dignity, and commanded the respect as well as the admiration of his audience. His arguments were not comprehensive or varied; they related only to a few points in the subject, which they placed in a very clear and convincing light; but he had not the wide grasp of mind necessary for considering the affair as a whole, and examining it in all its aspects and relations. His eloquence showed

but little imagination, yet it was instinct with the fire of passion. His learning was neither extensive nor profound; but his writings show something of the taste of a scholar, and he was tolerably familiar with the classics and with English history.

As the vindicator of American rights, during the period of colonial subordination, as the acknowledged leader, in Massachusetts, of the constitutional opposition to ministerial influence and parliamentary usurpation, the services of Mr. Otis cannot be too highly appreciated. His name, as we have seen, was identified with the cause, both in this country and in England. But he defended the rights of his countrymen by vindicating their enjoyment of English liberty, and not by asserting the demand for American independence. The times were not ripe for bringing forward the latter claim, and he steadfastly repudiated it; but his writings and speeches did more than those of any other man towards preparing the minds of others for the final separation from England. He sowed the seed, without knowing what kind of harvest it was to produce. He was not permitted to witness the grand result of his labors. He did not live to enjoy the final triumph; he can hardly be said to have survived till the opening of the struggle. But the historian, who searches into the causes

of this great event, and seeks to determine the comparative merits of the men who achieved it, will dwell long upon the services, and pay a just tribute of admiration and respect to the memory, of James Otis.



L I F E  
OF  
JAMES OGLETHORPE,  
THE  
FOUNDER OF GEORGIA;  
BY  
WILLIAM B. O. PEABODY



## P R E F A C E.

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THE materials for a Life of Oglethorpe, so far as they relate to the events which have chiefly contributed to his renown, the establishment and colonization of Georgia, are abundant and authentic. Numerous tracts, containing official documents, letters, and journals, were printed at the time, the original editions of some of which have been consulted in preparing the following memoir. A collection of these tracts has likewise recently been republished by the Georgia Historical Society, in two volumes, with contributions from some of its members, forming together not only an honorable tribute to the memory of the founder of Georgia, but a rich treasure of facts illustrative of the early history of that state, which, though the last of the old thirteen that was erected into a body politic, has by no means been the least conspicuous among them in the support it has yielded to the fabric of American independence and union.

The Life of Oglethorpe by the Reverend Dr. Harris claims high respect and confidence, not

more on account of the author's well-known fidelity and habits of research, than of his clear and judicious method. If any reader's curiosity should be prompted, by this brief sketch, to extend his inquiries further, particularly on points of historical interest, he will find it amply gratified by the perusal of the more copious and elaborate pages of that work.

# JAMES OGLETHORPE.

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## CHAPTER I.

*Time of Oglethorpe's Birth.—His early military Service.—Connection with Prince Eugene.—Siege of Belgrade.—Member of Parliament.—Abuses of Prisons.—His Parliamentary Services.*

“One, driven by strong benevolence of soul,  
Shall fly, like Oglethorpe, from pole to pole.”

THESE were two of those pointed lines, with which Pope could embalm the memory of those whom he delighted to honor. Some of them would soon have passed into forgetfulness without his commemoration; but not so with the subject of this memoir. While living, he was greatly venerated for his generous and philanthropic spirit; and, since his death, his fame has been growing as fast as men have learned

to honor those who serve and bless them above the men who injure and destroy. Under the dictation of that religion, which makes usefulness the measure of greatness, those who manifest the same energy in benevolent enterprises, which others display in works of blood, are rising in estimation, inspiring enthusiasm unknown to former ages; and the time will come when all rivals will leave to them the field of glory as rightfully their own.

General Oglethorpe was, in some respects, advantageously distinguished from common philanthropists; they are too apt, as we often have occasion to see, to fix their whole attention on a single object, never looking at it in its relation to others, and, therefore, exaggerating it out of its true place and proportion; contending with one great social evil as if there was no other in the world, and expressing impatience and contempt for all whose sympathies do not go with them. It may have been, in part, his practical education which saved him from this common error. Such a tendency would also have been counteracted in him by his natural largeness of heart. Certain it is, that he was open as day to every claim of charity, and ready to cheer others onward in every attempt to improve the condition and character of their

fellow-men. He kept himself free from that stain of selfish ambition by which philanthropy is sometimes dishonored; which deprives it of all the beauty of holiness, and destroys more than half its power.

JAMES OGLETHORPE was the son of Sir Theophilus Oglethorpe, of Godalming, in the county of Surrey, in England. His mother was Eleanor, daughter of Richard Wall, of Rogane, in Ireland. The time of his birth was, for some years, a matter of debate. When he died, some of the public prints stated that he was one hundred and two years of age; others made him still older. But Mr. Sparks, in 1840, examined the register of baptisms in the vestry of St. James, Westminster, where it appeared that he was baptized on the 2d of June, 1689; and in the same register it is stated, that he was born on the 1st of that month. Dr. Harris, however, produces the record of his admission to college, dated July, 1704, in which he is represented as then sixteen years old. The only way of reconciling these conflicting accounts, is, to suppose, with Dr. Harris, that there is an error in the record, as to the day of his birth, and that he was born in 1688, probably in December; since we learn that his birthday was celebrated on the 21st of that month, in Georgia; and that his baptism was

deferred, on account of the season, to the summer of the succeeding year. He died in 1785, and, as he had for years been a sort of wonder, on account of his vigor and fine appearance, it is not strange, that his age should have been overstated. Hannah More speaks of meeting him, when he was much more than ninety years of age, in the social and literary circles of London, where he showed the same taste, enjoyment, and power of conversation, as in former days. This was sufficiently marvellous; and what more natural than to speak of one, as a hundred years old, who had so nearly finished his century?

He was admitted a member of Corpus Christi College, Oxford; but it seems that the passion for activity and enterprise prevailed in the family; for two of his brothers left a literary to engage in the martial profession, and he was not slow to follow their example. His first appointment was that of ensign. His commission is dated in 1710, and he held that rank till peace was proclaimed, in 1713. After this he appears to have been in the suite of the Earl of Peterborough, ambassador to Sicily and other Italian states, to which he travelled in company with the celebrated Berkeley. It is not easy to trace the influences which determine what any life shall be; but such was the profound impression which that heavenly man made on all who

approached him, such was his genius, his humility, and his love for the souls of men, that we can easily imagine a heart like Oglethorpe's, naturally generous, and still unworn and tender, receiving a direction towards benevolence which no time could wear away.

In the succeeding year, he was connected with the Queen's Guards. At that time, he appears to have made a favorable impression on the Duke of Marlborough by his personal beauty and grace, and still more by his courage and manly bearing. By him and the Duke of Argyle he was recommended to Prince Eugene, who received him into his service as secretary and aid-de-camp, an office which brought him near the person of that great military chief. This high place was not without its inspiration, and he appears to have made good use of the advantages it afforded to establish his character by many acts of gallantry and skill, and also to acquire that familiar knowledge of tactics and discipline, which was of essential service to him in later days. Nothing could be more brilliant than the campaigns against the Turks, in which he bore a part. He gained the praise of his illustrious general, which was never given lightly, and which, therefore, it was a high honor to secure and to deserve.

In the next year, though they had suffered

severely, the Turks determined to renew the war. The forces of Prince Eugene were again in motion, and a blow was struck at the very heart of their power, by the siege of Belgrade. The Turks came to its relief, and besieged him in his camp; but while he was almost given over as lost, he made a sally, fell suddenly on the enemy, defeated them with great slaughter, and took their cannon, baggage, and military stores, after which Belgrade at once surrendered. On the 16th of August, 1717, the capitulation was signed; the Imperialists took possession of a gate and outworks, and on the 22d the Turks quitted the city. This was the closing scene of that bloody and disastrous war. Oglethorpe was in active command at the siege and the battle, and, as contemporary authorities declare, conducted in such a manner as to gain a large measure of renown.

But there was no further demand for his services in that quarter; peace was made between the Emperor and the Sultan, and the armies on both sides were withdrawn. He was offered rank and station in the German service; but when it no longer presented an opportunity of active duty and improvement, it had lost also its former attraction. He therefore returned to England, and, in the year 1722, succeeded his brother Lewis in the estate at Godalming, he having

been mortally wounded in the battle of Schellenberg, several years before.

This military history of Oglethorpe was the early romance of his life. It was not till this was over, that its useful reality began. His character, which was already high, and the influence of his family, enabled him to secure a place in Parliament, as member for Hazlemere; a place which he held, by successive elections, for the long term of thirty-two years. His great ambition was to be useful. To the praise of eloquence he never aspired, though he at all times expressed his opinions with fluency, manliness, and strength. He never could consent to be the slave of any party; and when the cause of humanity required an advocate, he always stepped forward as its active and faithful friend. His first recorded speech was against the banishment of the famous Atterbury; a measure, which he considered hasty, and needlessly severe.

It was not long after this, that he commenced that course of labors in the cause of humanity, which have given so much lustre to his name. He happened, on one occasion, to visit Sir William Rich, then confined for debt in the Fleet Prison, and was astonished to find him loaded with chains, deprived of the necessaries of life, and treated in all respects like a malefactor. Disgusted with this inhumanity, and with the

system which intrusted such power to unworthy hands, he determined to expose and prevent such abuses, and, for that purpose, he brought forward a motion in Parliament to inquire into the condition of all the prisons in the city; a difficult attempt, since the few, who are interested to suppress investigation, can always secure the sympathy of the indifferent, and thus create a resistance, which courage and energy are required to overcome. He knew that none would covet this thankless office, and that, if he presented the subject to Parliament, he must be the one to carry the undertaking through. He did not shrink from the duty; the motion prevailed, and, as a matter of course, he was appointed chairman of a committee assigned for the purpose. Together with his coadjutors, he was sternly faithful to the trust. The corrupt practices, and the base treatment of prisoners, which had been so common, were thoroughly investigated, and the offenders, to whom they were traced home, were prosecuted with the utmost rigor of the law.

It was no small thing for a man, standing in such a social position, to turn coldly away from the common walks of ambition to one which there are very few to tread, and where there is little prospect of gratitude or fame; but he had his reward in the success which at-

tended his labors. The proceedings were made as public as possible, that they might serve as a general warning; and the effect of it was seen, for a time, in the improved condition of prisoners throughout the land. Nor was the tribute of applause withheld from efforts so conscientious and deserving. These labors were alluded to by Thomson, in his *Winter*, in language which breathes the universal feeling.

“And here can I forget the generous band,  
Who, touched with human woe, redressive searched  
Into the horrors of the gloomy jail,  
Where misery moans unpitied and unheard,  
Where sickness pines, where thirst and hunger burn,  
And poor misfortune feels the lash of vice ?”

But Oglethorpe was not the man to be weary in well-doing, because he enjoyed the triumph of immediate success. He felt that the tendency to relapse, in such cases, would soon place all where it was before, unless a better system should be established, and a deeper sympathy with the unfortunate spread throughout the land. He was particularly touched with the sufferings of poor debtors, who, though they were often guilty of no crime but improvidence, and not always even of that, were thrown into prison without the prospect of release, and there treat-

ed as if they had been delivered over to the tormentors. The wretched condition of these persons weighed heavily on his heart; he studied out some way in which he might render them effectual and permanent aid, and this undoubtedly led him on to the original suggestion of that great enterprise, to which the best of his life was given, and which is now the foundation of his enviable renown.

In the common proceedings of Parliament he took an active and interested part, not submittting his conscience, however, to those common and absurd maxims, which would make every one a slave to party. He received no opinions at second-hand; he used his own mind for himself, and whatever measures he thought right he approved without the least regard to the satisfaction or displeasure of other men. In this he is an example for legislators, and it is encouraging to see, as we may, that he who evidently consults his conscience, however wayward and wrongheaded, at times, he may be, and whatever offence he may give to others, is sure to be honored at last. In 1731, the King's speech was the subject of debate; and some members, of whom Oglethorpe was one, while they acquiesced in the vote of thanks, were unwilling to do anything implying confidence

in the ministry, whose course they did not fully approve. Smollett says, "Mr. Oglethorpe, a gentleman of unblemished character, brave, generous, and humane, affirmed that many other things related more immediately to the interest and honor of the nation than did the guaranty of the Pragmatic Sanction. He said, he wished to have heard that the new works at Dunkirk had been entirely razed and destroyed; that the nation had received full and complete satisfaction for the depredations committed by Spain; that more care was taken to discipline the militia, on whose valor the nation must chiefly depend in case of invasion; and that some regard had been shown to the oppressed Protestants of Germany. He expressed his satisfaction, however, to find that the English were not so closely united to the French as formerly, for he had observed, that, when two dogs were in a leash together, the stronger generally ran away with the other; and this, he feared, had been the case between France and Great Britain."\*

This is given as a specimen of his manner of speaking; plain, direct, and manly, with entire indifference to rhetorical display, and using

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\* Smollett's *History of England*, Book II. Chap. 4. The speech may be seen in the *Parliamentary History*, Vol. VIII. p. 875.

such illustrations as came to hand, however familiar they might be. But the expressions of concern for the German Protestants were characteristic of his habitual feeling; he manifested an interest in those, who, from their political insignificance, were not likely to secure a place in the cold hearts of statesmen; and that it was not a flourish of eloquence, intended for effect, was shown by the zeal with which he afterwards endeavored to serve these persons, and the warmth with which he welcomed them to a transatlantic home. It seemed to him, that an asylum abroad would be the fit resting-place, not only for poor debtors and persecuted sects, but for all who were destitute, disheartened, and cast down. Hope was to be found there, only, where the depressing influences under which they had sunk could no longer reach them. In another country, men of ruined fortunes could begin the world anew, in sympathy with others, whose condition and prospects had been as dreary as their own, while they, who had been ground to the dust by the pressure of social institutions, or the unfeeling arm of power, could renew their strength, with none to make them afraid, and secure for their children those blessings of free moral existence, which they had not been suffered to enjoy.

Another subject, which naturally associated

itself with his great foreign enterprise, began to attract attention at this time. This was the manufacture of silk, which was first undertaken at Derby, in 1719, though similar attempts had been made without success before. John Lombe, an enterprising mechanic and draughtsman, travelled to Italy, to procure models and information on the subject, and, after succeeding as well as the jealousy of the Italians would allow, returned with two persons, who were acquainted with the business, and set up his works at Derby, after having secured a patent, entitling him to all the profits of the manufacture for fourteen years. The Italians began to fear lest their trade should be injured by his operations ; and, in order to prevent it, they sent over an artful woman, who gained over one of the two natives to their interest, and, through his instrumentality, administered a poison to Mr. Lombe, from the effect of which he died. Their plan did not succeed to their desire, for the works were carried on by his brother, and afterwards by his cousin, with more energy than before. When the term of years expired for which the patent was granted, Sir Thomas Lombe applied to Parliament for its renewal ; but, instead of granting his petition, they offered him fourteen thousand pounds for a model and full disclosure of his invention, which, though cumbrous and elaborate,

was a subject of wonder at the time, when all such things were new. Oglethorpe took a deep interest in the subject, sustaining the application of the proprietors with all his influence, and doubtless kept in view a field where such labor could be more profitably applied than in the unfriendly climate of England.

In the year 1707, a company had been formed, in London, for the purpose of lending money to the poor on small pledges, and to prosperous men on good security, with the general design of affording aid to the deserving. At first its capital was small; but, in 1730, it was incorporated by act of Parliament, with a capital of six hundred thousand pounds. In the autumn of the next year, two of the chief officers, the warehouse-keeper and the cashier, who was a member of Parliament, absconded together; and it was found that all the capital was gone, except about thirty thousand pounds, and that no one could tell how it had been wasted, nor how extensive the frauds had been. Application was immediately made to Parliament to interpose its power, in order to secure a complete investigation, since there was great reason to believe, that the fraud had been committed in collusion with some persons who remained in England, but whom no private process of law was able to reach.

This was another of those cases in which Oglethorpe was most active, because it involved the rights and welfare of those who needed friends. He therefore sustained the application, and made a speech in favor of it, from which an extract is made, because it shows an acquaintance with the subject of money, which was unusual at that day. "For my own part, Sir, I have always been for encouraging the design upon which this corporation was first established, and looked upon it as a provident act of charity to let necessitous persons have the opportunity of borrowing money on easier terms than they could have it elsewhere. *Money, like other things, is but a commodity*, and, in the way of dealing, the use of it is looked upon to be worth as much as people can get for it. If this corporation let persons in limited circumstances have the use of money at a cheaper rate than individuals, brokers, or money-lenders would be willing to do, it was certainly a beneficent act. If they had demanded more than was elsewhere given, they would not have had applicants, and the design would not have proved good and useful. But the utility of it was apparent; and the better the design, and the more excellent the benefit, the more those persons deserve to be punished, who, by their frauds, have curtailed, if not wholly cut

off, those sources of furnishing assistance to the industrious and enterprising, and disappointed the public of the benefit which might have accrued from an honest and faithful execution."

Another occasion, on which he exerted himself in Parliament, grew out of the famous Porteous mob, which, in all its minutest details, is familiar to the readers of the "Heart of Mid-Lothian." This sudden outbreak of the populace of Edinburgh, lawless and criminal as it was, could hardly be tortured into a personal insult to Queen Caroline, the reigning sovereign, who nevertheless saw fit so to receive it; and in order to gratify her helpless passion for revenge, a bill was introduced into Parliament, to disable the principal magistrate of the city, at the time, from holding any office ever after, and to imprison him for a year. The city was to be punished by removing the gates and abolishing the town-guards; measures, which, though of little consequence in themselves, were bitter wounds to its pride. All this was so manifestly unreasonable and vindictive, that the bill was vigorously resisted. The gallant Duke of Argyle opposed it in the House of Lords, from a feeling of patriotism, in stern language of contempt and censure; while his friend Oglethorpe, in the House of Commons, took the same side from a sense of justice, declaring that there was no

failure on the part of the magistrates to do their duty ; they were overpowered by numbers, and, if the bill prevailed, it would be a punishment of misfortune, and not of guilt. By such opposition, the ministry were compelled to alter the penalty into a simple fine of two thousand pounds, to be levied on the city, for the benefit of Porteous's widow ; and even in that form, it was by the smallest possible majority, that the bill was carried through at last. Two Scottish members were then attending an appeal in the House of Lords, though they earnestly requested leave of absence to be present at the discussion. If they had been in their places, the bill would have been lost.

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## CHAPTER II.

*Moravian Petition.—Organization of the Company for the Settlement of Georgia.—Disinterestedness of the Projectors.—Their Expectations.—Silk.—Causes which interfered with its Production.*

ANOTHER of Oglethorpe's labors of love was undertaken in favor of the Moravians and other

foreign Protestants. Persecuted at home, they looked for an asylum to America; but the new colonies there were more or less martial in their spirit, owing to the wild character of their neighbors; and the conscience of the Moravians revolted at that military service, which all were expected to perform. A petition for their relief was presented to Parliament by General Oglethorpe, with a speech in its support. The desired act was passed, and became a law. At a later period, another petition, of a similar kind, was presented, and on that occasion, Oglethorpe, in an able speech, made the House acquainted with the social system, the church, the benevolent efforts, and the religious character of the Moravians, showing how important it was to encourage the emigration of such men to America. Thus sustained, the bill was passed without opposition, and he had the satisfaction of doing this act of justice and mercy to that long-suffering people.

The great enterprise, which was destined to be the labor of Oglethorpe's life, was all the while taking form in his mind. He regarded it as the chief blessing of the new colony, which he began to contemplate, that it would afford a refuge for all the oppressed, for the Protestants, who were suffering under the jealous persecution of their own governments, and

for those persons at home, who had become so desperate in circumstances, that they could not rise and hope again without changing the scene and making trial of a different country. Beside this, he felt a deep interest in the Indians, not doubting that something might be done to civilize and save them, if they could be brought in contact with a community, which did not turn toward them its own barbarous and heathen sides. He even anticipated some of the views of a later day with respect to temperance, and was determined to show that ardent spirits, which were everywhere elements of crime, disease, and death, were not necessaries of life, as they were commonly regarded. The subject of slavery, too, could not disguise itself to his clear heart and penetrating mind. In 1731, he had been chosen a Director of the Royal African Company ; the next year he was elected Deputy Governor, in which office he became the friend and benefactor of a slave, a man of singular character and attainments, who was found, on inquiry, to have been a prince at home ; and, by the efforts of Oglethorpe, he was soon restored to his country, where he found that his father was dead, his favorite wife had married again, and war and anarchy had desolated the land. The history of this unfortunate person, who is spoken of, in the prints of the day, as "the man whom Mr.

Oglethorpe released from slavery," threw light upon the vileness of the slave-trade, which then was little thought of except as a field for commercial adventure. Oglethorpe determined that the colony which he was to establish should not be the means of extending that traffic.

Beside these humane inducements to engage in the enterprise in question, there were patriotic considerations, which had much influence on his mind. The large vacant tract between Carolina and Florida was in danger of being seized by the Spaniards from the south, or the French from the Mississippi, who were very desirous to secure the advantage of some Atlantic harbors, and were not likely to be particular as to the means by which it was done. This danger, which was a serious one, recommended it to the government, as much as higher interests made it dear to him; it was accordingly supported by public authority, as soon as it was proposed, and with favor such as is not often shown to enterprises whose humanity is their only title to regard.

That the credit of originating this enterprise belongs to Oglethorpe, would never have been questioned, but for a hasty assertion on the subject, first made by the Abbé Raynal, and repeated by others, without sufficient investigation. Grahame speaks of a bequest made by a wealthy

citizen of London as the moving cause, which led to the search into the condition of imprisoned debtors, and afterwards to the attempt to secure them an asylum beyond the sea.\* The amount of it was, that a rich and humane citizen, at his death, left the whole of his estate to be applied to the release of insolvent debtors, and the government added nine thousand eight hundred and forty-three pounds and fifteen shillings to the citizen's bequest, with the understanding that those who were thus released should become emigrants to Georgia. But Dr. Harris, a man of patient and persevering research, who never followed a statement simply because it had been made and repeated, inquired into the history of this bequest. He ascertained that the only foundation for it was, that Edward Adderly had given, in his will, the sum of one hundred pounds in aid of the settlement in Georgia. So far from suggesting the enterprise, the bequest was not made till the settlement was two years old; and, instead of being the splendid and imposing charity, which it was represented to be, the grant by Parliament, mentioned above, was necessary to raise the amount to the sum of ten thousand pounds. What the Abbé Raynal says in reference to the execution of the plan is

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\* *History of the United States*, Vol. III. p. 180.

just. "General Oglethorpe, a man who had distinguished himself by his taste for great designs, by his zeal for his country, and his passion for glory, was fixed upon to direct these public finances, and to carry into execution so excellent a plan."

This undertaking was far beyond the power and means of an individual. On that account, not because he was not ready to do and sacrifice everything, he sought the aid and influence of others in alliance with his own. A general interest was awakened, and twenty-one associates petitioned for an act of incorporation, which was granted by letters patent on the 9th of June, 1732, for the reason assigned, that many of his Majesty's subjects were in want of employment, reduced to distress, and would be glad of the opportunity to cultivate waste lands in America, where they might earn a subsistence for themselves, and aid to extend the trade, navigation, and wealth of England. Certain persons were appointed trustees for establishing the colony of Georgia, the intended province being so called in honor of the King, who, as usual, was represented as deeply interested in the benevolent project, and every other work of love.

The number of trustees appointed by the charter was twenty-one, among whom were the

Earl of Shaftesbury, the author of the "Characteristics," Lord Percival, Lord Tyrconnel, Lord Limerick, Lord Carpenter, Stephen Hales, the celebrated philosopher and divine, and other distinguished names, beside that of Oglethorpe, who was the moving spirit of the whole. They were vested with the powers of legislation for twenty-one years, after which a permanent form of government was to be established, corresponding with the British law, by the King or his successors. Lord Percival was elected president of the corporation. As large expenditures were necessary, the trustees set an example of liberality by their private subscriptions; the directors of the Bank of England followed their example; the friends of humanity expressed their interest in the work by numerous gifts; the House of Commons, sharing the general enthusiasm, made a grant of nearly ten thousand pounds; and the whole sum, collected almost without solicitation, amounted to thirty-six thousand. The greatest exhibition of generosity was in the request made by the trustees, to have clauses inserted in the charter, restraining them and their successors from accepting any salary, gift, or perquisite whatever; not even permitting them to receive a grant of lands under any circumstances in the settlement proposed.

This perfect disinterestedness of proceeding distinguished this enterprise from all others of the kind recorded in history. As great efforts were to be made by many of the trustees, and heavy sacrifices of time and wealth by some of their number, it certainly could not have subjected them to the imputation of selfishness, had they secured some right for themselves in the lands which might be subdued. But, knowing how necessary it was to avoid the appearance of evil, and being really interested in the work as a movement of humanity, they took this ground in the beginning; and wisely, as it afterwards proved; since the reservation of the powers of government in their own hands formed a sufficient subject of complaint; and had it been possible to ascribe to them avaricious and interested motives, their whole influence would have been lost. We ought not to wonder at this error in their civil system; it was an age in which popular rights were little understood, and the idea that men could be self-governed, and at the same time well governed, would have been thought visionary in the extreme. They were not careful to give the settlers a sufficient personal interest in the soil, which they allowed to be necessary; and no one dreamed that the colonists would expect, or that it would be safe

to indulge them with a share in the counsels by which their own interests were to be secured.

The country appropriated to this colony by the terms of the charter was the tract between the Savannah and Alatamaha Rivers, and running due west from the head-springs of those rivers to the Pacific Ocean; such being the usual way, at the time, of making grants, in utter darkness as to the amount of territory which they might cover. The seal of the corporation was made with two faces; one with two figures, leaning on urns, representing the two rivers, which formed the north-eastern and south-western boundaries of the province, having between them the genius of Georgia Augusta, with a cap of liberty on her head, a spear in one hand, and the horn of plenty in the other. This was to be used for the authentication of legislative acts, deeds, and commissions. The other, which was the common seal, to be affixed to grants, certificates, and orders, represented silk-worms at their work, some beginning, others closing, their labors, with the inscription *Non sibi, sed aliis*, Not for themselves, but for others, words truly descriptive of the disinterestedness with which the foundations of the colony were laid. It was also expressive of one of their favorite objects, in which they were not destined to succeed to their hearts' desires.

They had learned that the climate of the province was favorable to the silk-worm, and that the mulberry grew wild. Though they knew that the industry of the men would be required for severer labors, they thought that the attention requisite during the feeding of the worms might be given by the aged and infirm, by women and children, without interference with any other duty. Their plan was to engage Italians to accompany the expedition, who should give instruction in the art of feeding the worms and winding the threads. By a careful cultivation of the trees, and urging the business upon the attention of the settlers as a direct way to prosperity, they hoped to surprise the nation with remittances of silk in a short time, and thus to convince the people of the importance of the colony to the mother country. There was no defect of wisdom in the plan; it shows the activity of mind with which Oglethorpe sought everywhere the means of success; it did not prosper, because it was premature; such things cannot be forced into existence before their time. In the early days of a colony in the wilderness, the struggle necessary to subdue the soil will generally create a distaste and contempt for the more quiet and domestic labors. As to introducing it against the wishes of the

people, they had the example of Henry the Fourth of France, to show that such a measure would require the exertion of power which they did not possess.

This idea of producing silk in Georgia was not altogether new. It appears from Dr. Stevens's "Brief History of the Culture of Silk in Georgia,"\* that the subject had engaged the attention of emigrants to Virginia as early as 1609; and, in a pamphlet then published, it is said, "There are silke-worms and plenty of mulberie-trees, whereby ladies, gentlewomen, and little children, being set in the way to do it, may be all imploied, with pleasure, making silke comparable to that of Persia, Turkey, or any other." Attempts were made to convince the colonists of the benefits, which would arise from this cultivation and manufacture. A work was published, called "Virginia Discovery of Silk-Wormes, with their Benefits," the object of which was to show, that, as a staple, silk would be more valuable than tobacco. But the latter commodity unfortunately kept its ground, and maintains it to the present day, though it appears that the coronation robe of Charles the Second

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\* A valuable treatise appended to Dr. Harris's *Life of Oglethorpe*, p. 391.

was made from Virginia silk, and considerable quantities of the raw material were exported at various times.\*

The culture of silk was introduced into South Carolina in the year 1703 ; but meantime the cultivation of rice had been attended with success, which prevented this subject from gaining any general attention. It was not wholly neglected, however ; Miss Lucas, afterwards Mrs. Pinckney, the lady who first introduced the cultivation of indigo, took with her to England a sufficient quantity of silk for three dresses, one of which was presented to the Princess Dowager of Wales, another to Lord Chesterfield, and the third was in existence in Charleston, when Dr. Ramsay wrote, about thirty years ago.†

The same causes, which interfered with its success in other provinces afterwards, operated in Georgia, though every thing was done by way of instruction and encouragement to recommend it to the people. The climate did not prove so friendly as was anticipated, though it was favor-

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\* Several tracts were published, from time to time, on the culture of silk in Virginia. Experiments were also made, with some degree of success, in Pennsylvania. A specimen of the Pennsylvania silk was presented to the Queen by Dr. Franklin, as late as 1772.—Sparks's *Works of Franklin*, Vol. VII. pp. 456, 527; Vol. VIII. p. 3.

† Ramsay's *History of South Carolina*, Vol. II. pp. 209 220.

able when compared with most other countries. Sudden transitions from heat to cold destroyed at once great numbers of worms, and with them the high hopes which their proprietors had been indulging. The work was at first encouraged by bounties, and naturally languished when such premiums were withdrawn. Labor was also too expensive to be hired for this purpose, when there were many others to which it could be more profitably applied. But the fatal blow, perhaps, was given to it by the cultivation of rice, and afterwards of cotton, which yielded large and profitable crops, much more advantageous to the producer.

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### CHAPTER III.

*Preparations for the Enterprise.—Objections to it.—Inducements offered.—Oglethorpe appointed Governor.—Conditions with the Emigrants.—Restrictions on Trade.—Exclusion of Slaves.—Difficulties of Colonization.*

BUT to return to the preparations for the enterprise; it was necessary to secure a sufficient number of persons, who should engage to ac-

company the expedition. Since it was to be conducted on strict principles of justice and humanity, it would have no great attraction for common adventurers; and, as the steady and industrious were generally prosperous at home, it was not certain, that emigrants, fit for the purpose, would be readily found. In pursuance of the original design, a committee was appointed to visit the prisons, to make out a list of insolvent debtors whose creditors were willing to discharge them, to inquire into the circumstances of applicants, and to make arrangements to assist and encourage those who might be proper and willing to go. To use the words of Oglethorpe himself, "They, who are oppressed with poverty and misfortune, are unable to be at the charge of removing from their miseries. These are the people intended to be relieved. Let us cast our eyes on the multitude of unfortunate people in the kingdom, of reputable families, and of liberal, or, at least, easy education; some undone by guardians, some by law-suits, some by accidents in commerce, some by stocks and bubbles, and some by suretiship. But all agree in this one circumstance, that they must either be burdensome to their relations, or betake themselves to little shifts for sustenance, which, it is ten to one, do not answer their purposes, and to which a well-educated mind

descends with the utmost constraint. What various misfortunes may reduce the rich, the industrious, to the danger of a prison, to a moral certainty of starving! These are the people that may relieve themselves, and strengthen Georgia, by resorting thither, and Great Britain by their departure.”\*

In Benjamin Martyn’s “Reasons for establishing the Colony of Georgia,” published in 1733, he takes notice of the objections which were made to the plan. One was, that it was taking from their own country those whose labor is wanted at home. To which he replies, that those, who are shut up in prison, are certainly doing no service either to their country or themselves. He estimated their number at about four thousand every year, who were thus lost to their families and to the country, and, what was worse, thrown among associates whose vicious communications would inevitably deprave them, while poverty and despair were the only portion they could give to their wives and children. But it was not the object of the trustees to remove those, whose only recommendation was that they were vicious and useless at home; they therefore resolved to publish the names of those who pro-

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\* *New and Accurate Account of South Carolina and Georgia*, Ch. III.; ascribed to Oglethorpe, and published in London, 1733.

posed to go, that none might escape dishonorably from their creditors, that no father might secretly desert his wife and children, and that the base and immoral might be sifted out from the seed, with which the broad fields of the new region were to be sown.

One objection he endeavors to answer, because it so truly anticipated that which was afterwards to be. It was, that "the colonies would in time become too great, and throw off their independency." To this he answers, that, if they were governed by such mild and wholesome laws as those of England, they would have no reason for dissatisfaction. He did not reflect, that it was under the operation of those mild and wholesome laws that they were compelled to leave their homes; and that those who found no place reserved for them at the table of nature; those who, as Swift said, had been ruined by obtaining a decree in chancery in their favor with costs, and those who had just come from unsavory prisons and chains, would have a less lively sense of gratitude to those laws, than others who were less intimately acquainted with their operations. He also assumed that they would carry with them a lingering attachment to their native country, which would induce them to remain connected with it as long as possible. But he admitted the possibility of their setting

up an independent government for themselves, if ever they should be oppressed ; and he seemed to admit, that, under those circumstances, England would deserve to lose them.\*

The inducements offered were found sufficient to dispose many persons to emigrate ; they were to be supplied with stores for the voyage, and supported for a sufficient time after their arrival, till they should be able to provide for themselves. They were also to be furnished with tools, arms, seeds, and other necessary articles, from the public stores. Lands were to be assigned them, not in fee simple, but with certain restrictions, intended to keep out Roman Catholics, to prevent settlers from acquiring permanent rights till they had shown themselves worthy, and to keep estates in the hands of men, who might perform military duty when required. General Oglethorpe, having signified his readiness to accompany the expedition, was appointed Governor of the colony ; he accepted the trust, and resolved to sail in the same vessel with other emigrants, that he might watch over their health and welfare ; offering, at the same time, to bear his own expenses, and to do all in his power for the relief and assistance of others. This

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\* This tract is reprinted in the *Collections of the Georgia Historical Society*, Vol. I. p. 203.

conduct on his part not only inspired respect and confidence in those who were to be under his charge, thus giving him a command over their affections which was of much more service than his official powers, but it called the public attention to the enterprise; and, since it evidently was not undertaken with interested views, it was welcomed as a work of benevolence, in which every friend of humanity was happy, if able, to bear his part.

That no one might afterwards complain of having been misled, all who proposed to go to Georgia were examined, to know if they had any objection to the terms and conditions proposed. Some of these were of a kind which, though considered necessary by the trustees, who had no interest to oppress, were very likely to bear hardly on the settlers at a future time. A rent was to be paid of twenty shillings sterling for every hundred acres on land, which they considered as given to them by the crown. There was no power in any settler to assign or transfer his lands; the whole was to revert to the trustees, if not improved within a given time; and if a man died without heirs male, his daughters could not inherit, but the property was forfeited, and liable to be granted to some other hands. The last provision was certainly discouraging; there seemed to be no sufficient

reason for considering it a crime not to have sons, nor for imposing a penalty upon daughters. As a power was lodged in the hands of the government for dispensing with this restriction to some extent, in cases of hardship, there was probably no great danger of its being abused; still, the circumstance that it existed was a misfortune, since it showed that human rights were not thoroughly comprehended, and on any dissatisfaction, from whatever cause, it afforded strong ground on which complaints might rest.

Another restriction, which occasioned great complaint, was very honorable to the wisdom and firmness of the trustees. It was that which forbade the use and importation of rum, which was then considered so essential to the support of life, that many good men lamented its exclusion as a rash experiment upon the health and comfort of men. It was urged, in opposition to their arguments, that the experience of all Americans had shown the necessity of qualifying water with spirit, whereas it had not been proved that men could live without it. It was also said that there was no market for their timber, in the sugar islands, without receiving rum in return. Another apprehension was, that, if not introduced under sanction of law, it would find its way without it; which was probably true, but certainly afforded no

reason for giving up a wholesome and necessary restraint; since the objection that it might be violated could be made to every law. The total exclusion of trade with the West Indies was indeed a hardship; but whoever reflects on the effect of the indulgence which it was intended to forbid, the misery which it spreads through every department of social existence, and the withering curse which it sends to the home and the heart, will agree with the founders of Georgia, that exemption from such a calamity is a blessing to be purchased at any price.

But the prohibition which was likely to occasion the greatest complaint among the emigrants, and which afterwards proved a source of constant dissatisfaction, was the entire exclusion of slaves from the settlement. The motive for this exclusion was partly politic and partly humane. Francis Moore alludes to the former in his *Voyage to Georgia*, saying that the object was to establish a strong and industrious colony.\* “It is necessary, therefore, not to permit slaves in such a country, for slaves starve the poor laborer. For, if the gentleman can have his work done by a slave, who is a carpenter, or a bricklayer, the carpenters or bricklayers of

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\* *Collections of the Georgia Historical Society*, Vol. I. p. 96.

that country must starve for want of employment; and so of other trades." Benjamin Martyn, in his "Impartial Inquiry into the State and Utility of the Province of Georgia," remarked, "The greater number of blacks, which a frontier has, and the greater the disproportion is between them and her white people, the more danger she is liable to; for those are all secret enemies, and ready to join with her open ones upon the first occasion. So far from putting any confidence in them, her first step must be to secure herself against them."\* There was another view of the subject, which had its weight with the founders, and that was the question, Whence were the slaves to come, if permitted? The settlers were generally poor, so that they were unable, in the outset, to support themselves; they could only buy the slave on credit, and if they were able to raise more than was sufficient for their families, the burden of debt would discourage them; debt, too, which the labor of the slave was not likely ever to repay. The want of this kind of labor, which had proved itself vexatious and inefficient at best, could be supplied by servants from Germany and other parts of Europe, who would pay their passage over by serving for a term

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\* *Collections of the Georgia Historical Society*, Vol. I. p. 167.  
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of years, and then be entitled to a grant of land on receiving an honorable discharge from their temporary masters. Such servants would have an inducement to be faithful, where the slave had none, and no temptation to run away ; and when they arrived at last to the dignity of land-holders, they would make the colony stronger, instead of weaker, in proportion to their numbers. But, however good the reasons for excluding slavery may have been, the discontent it occasioned was extreme. "To complain," say the malcontents, "is the wretched privilege of the miserable ;" and this privilege they seem to have carried to its utmost bounds. The sight of their neighbors in Carolina, living in seeming leisure, was a perpetual eye-sore to them ; and when Locke, in his Constitution for that province, gave "the master absolute power and authority over his slaves," it was hardly to be expected that such persons as the colonists should have any clearer comprehension of the rights of man.\*

The establishment of colonies under any circumstances is a thankless task, and those con-

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\* Locke's *Works*, Vol. III. p. 677. The clause in the *Fundamental Constitution* is as follows ; "Every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion soever."—Sec. CX.

cerned in it must look for their recompense to their own hearts, and to future ages. Lord Bacon says, "Planting of colonies is like planting of woods; for you must make an account to lose almost twenty years' profit and expense for your recompense in the end. The principal thing that has been the destruction of colonies has been the sordid and hasty catching at profit in the first years. It is true, quick returns are not to be neglected, so far as consists with the good of the plantation, but no further."\* The history of almost every civil colony ever undertaken shows the wisdom of this remark, and the discouragement which comes from high-raised expectations. Even in Pennsylvania, favorable as the auspices were, under which it was commenced, the difficulties, which the founder had to encounter, were oppressive in the extreme. Virginia, too, struggled long in her childhood before she grew into firmness and strength; all manner of impatience and discontent was expressed by the early settlers in their letters to England, warning others against coming to share their lot. Even the history of the Pilgrims, though of all men best calculated to struggle with hardship, and unacquainted even with the name of discouragement, shows how

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\* Bacon's *Essays*, Vol. III. p. 349.

difficult it is to lay the foundations of a happy and flourishing state.

The circumstance, that so much was done in aid of the first settlers of Georgia, did not tend to make them more industrious and contented. Some, who had been reduced by misfortunes, were unused to labor, and others were desperately idle; with the taste for exaction common to such persons, they saw no reason why those, who had done so much for them, should not do more, and were much more displeased that anything was denied, than grateful for all that was given. The trustees showed a disposition to remove all reasonable grounds of complaint. The law, which excluded females from the succession, was so altered, that a daughter could inherit land to any extent less than two thousand acres. The prohibition to alienate lands was abandoned, and all possessors of land might give leases of any part of their lots for any term not exceeding five years. The law, requiring the lands to be improved within a certain time, was altered after the suggestion of the freeholders. But a storehouse, which was maintained for the subsistence of the people, was kept open longer than was promised or intended; and when it was found necessary at last to close it, though sufficient warning was given, the clamor was great against the measure,

as a piece of injustice and oppression. To read the statements of the discontented, one would suppose that they had been betrayed to their ruin, and that they were suffering under constant, grievous, and intolerable wrongs.

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## CHAPTER IV.

*Embarkation and Arrival at Charlestown.—Savannah founded.—Character and Manners of the Indians.—Treaty with them.—Oglethorpe's Energy and Self-denial.—Aid from Carolina.—Visit to Charlestown.—Council with the Indians.—Municipal Regulations.—Social System.*

WHEN the necessary arrangements had been made, the emigrants embarked on the 16th of November, 1732, accompanied by the Reverend Henry Herbert, a clergyman of the Church of England. The *Ann*, in which they sailed, was of two hundred tons' burden; the passengers were thirty-five families, consisting of farmers and mechanics of various kinds, well provided with the instruments of their trade. One of the party was Mr. Amatis, of Piedmont, who was

skilled in the culture of silk. They were also furnished with arms for defence against the Indians. The hostility to rum did not extend to its kindred liquors. Ten tuns of beer and ten of wine were sent on board. Oglethorpe, who took passage with them, superintended the details of preparation, furnished his own cabin-fare, and showed the deepest interest in the comfort and welfare of his fellow-adventurers.

The vessel arrived at the bar, outside of the port of Charlestown, South Carolina, January 13th, 1733. Two feeble children died on the passage, but the health of the passengers generally was good. Oglethorpe went on shore to pay his respects to Governor Johnson, and was treated by him and his Council with the greatest kindness and respect. The King's pilot was ordered to conduct the ship into Port Royal, and to supply the means to transport the colonists from that place to their destined home, which was done with the delay only of ten hours.

On the 18th, Oglethorpe went on shore at Tench's Island; thence he proceeded to Beaufort, a frontier town of South Carolina, at the mouth of the Coosawatchie River, and provided with an excellent harbor. The colonists, arriving two days after, were kindly received by the King's officers and other gentlemen, and remained there for a time to rest after the hard-

ships of the voyage ; while their chief, always active and indefatigable, went to explore the country. Having found a spot suited to his purpose, he selected it as the head-quarters of his future settlement, and gave it the name of Savannah, the Indian name of the river flowing near it. After his return, on the 24th, he appointed the following Sabbath to be observed by himself and the emigrants as a day of thanksgiving for their safe arrival. Many persons assembled from all sides to congratulate them on their arrival, and to take part in the religious services of the occasion.

In a letter, written from the camp near Savannah, he advises the trustees of his selection of a future home. He tells them that he has found a healthy situation, about ten miles from the sea, on the Savannah River, which there forms a half moon, on the south side of which the banks are about forty feet high. Above is a plain, extending about a mile along the river, and running several miles back into the country. In the centre of this plain he has laid out the town, opposite to which is an island, rich in pasture. The river is wide, the water fresh, and so deep, that ships, drawing twelve feet of water, can ride within ten yards of the shore.\* It is

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\* *Collections of the Georgia Historical Society*, Vol. II.  
p. 284.

bordered with high woods on both sides. The whole people arrived on the 1st of February, and were employed at once in preparing the fortifications and clearing away the woods. Their only immediate neighbors were a small Indian nation, who, so far from having any idea of resistance, were desirous to be acknowledged as subjects of the English King. They were treated with all possible kindness ; presents were made to them, and they were assured that, if any injury was offered them, they should receive full redress. The natives were thus disarmed of the wish and power to injure, and made to serve as a safeguard against other foes. Another letter says, that all the people were in perfect health, the site of the town having been selected with this view, after the example of an Indian tribe, who had made the same choice before. The soil was dry and sandy, and vast forests of pine sheltered it from the western and southern winds, which were considered the most injurious in the country. Emigrants were sent over from time to time, and, in June, 1733, the whole number amounted, including several Italians, to one hundred and fifty-two, of whom eleven were foreign Protestants, and sixty-one were men.

Unfortunately, the Moravians were not of this number. In 1727, Count Zinzendorf had open-

ed a correspondence with Oglethorpe, with the view of associating his people with the colony then proposed. The proposal was gladly welcomed; but the Moravians were not ready at the time when the emigrants sailed, and the vessel necessarily went without them. When they afterward arrived in Holland, they were induced to change their destination for Pennsylvania, where they established their home. Some years after, the trustees, well aware of the value of that simple and conscientious people, and hoping that their example of quiet industry would affect the English settlers, renewed their correspondence with Count Zinzendorf, and offered a large tract of land to any Moravian society that might be established in Georgia. The offer was accepted; and, at his suggestion, a party determined to go. It was stipulated that they should not be obliged to render military service, which was against their religious principles; they were instructed by their venerated teacher to submit themselves cheerfully, under all circumstances, to the guidance and disposal of their God, to cherish liberty of conscience, to avoid all religious disputes, to live in honest and patient industry, and to make it their endeavor to preach the gospel to the Indians. The only difficulty was, that the Moravian discipline kept them so much apart from others, that their good exam-

ple did not always reach those who would have done well to follow it.\*

The presence of the Moravians in the colony would have promised good to the Indians ; but the founder of the settlement always had their conversion and general welfare in view, and did his best to secure them. In a paper which is still preserved, he says that he has held conversations with them, from which he is satisfied that they will receive Christianity as soon as it can be presented by one who understands their language and their feeling. There are some respects of morality, he says, in which they are already exemplary. Theft is a thing unknown among the Creeks, though common among the Uchees. They abhor adultery, and do not approve a plurality of wives. Murder they condemn, but they do not give that name to the destruction of an enemy, or of one who has done them wrong. They excused these acts of revenge, by saying that, as they had no tribunals among them, this immediate retribution was necessary for the security of life and honor. It is only in requital of murder and adultery, however, that they allow this summary vengeance ; in the former case, the duties assigned by public opinion to the nearest relation are

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\* Grahame's *Hist. of the United States*, Vol. III. p. 192.

precisely similar to those of the Hebrew “avenger of blood.”\*

What he was most struck with in their social system was the absence of all coercive power. Public measures were debated in council by the elders, each of whom expressed his opinion with perfect freedom. When they have come to some harmonious result, they call in the young men, and urge them to execute the plan proposed with all the energy in their power. He was very much struck with their eloquence; with the strength of its painting, and its force of expression. Tomo Chichi, an Indian chief, in his first set speech, gave him a buffalo’s skin, on the inside of which were painted the head and feathers of an eagle. The eagle, he said, signified swiftness, and the buffalo strength. This represented the force of flight with which the English came over the waters, and their might on the shore, which nothing could withstand. The soft feathers were a sign of love, and the warm fur an emblem of protection; and these he hoped the English would always extend to his small and helpless people. Their bearing was dignified and manly. On one occasion, an Indian, who presented himself to the Governor, was told that he might speak freely

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\* *Collections of the Georgia Historical Society*, Vol. II.  
p. 61.

and without fear. He answered, "I always speak freely; why should I fear? I am now among my friends; and I never feared even among my enemies." Oglethorpe was sagacious enough to know, that the greatest danger to the Indians would proceed not so much from the violent encroachment of the whites, as the base avarice which would supply them with the means of self-destruction. This was one of the reasons why he endeavored to save his own colonists, as well as their neighbors, from that taste for intemperance, which is the destroying curse of a civilized as well as a savage people.

With that regard for justice and humanity, which always marked his proceedings, Oglethorpe thought it necessary, feeble as the neighboring Indians were, to obtain a formal cession of their lands, and to negotiate a treaty, for the restraint and benefit of both parties. With this view, he proposed a meeting to Tomo Chichi, although he was only the chief of a small tribe established at Yamacraw, three miles from Savannah. It happened, that an Indian woman had married a white trader by the name of Musgrove, and had learned from him the English language. By employing her services as an interpreter, the apprehended difficulty of communication was at once removed. But the old chief told him, that the land in question, and

the whole region, was claimed by the tribes of Upper and Lower Creeks, whose consent it would be well to obtain; and for this purpose Tomo Chichi himself was employed to solicit the head men of those tribes to attend a conference at Savannah. The nation of Lower Creeks consisted of nine towns, containing about one thousand warriors; with these Tomo Chichi and his people were connected. The other two were the Upper Creeks and Uchees, the latter consisting of about two hundred, and the former of eleven hundred men.

While these arrangements were made, the colonists were doing what they could to provide permanent habitations and the essential comforts of civilized life. After finishing a crane for raising goods to the bluff from the river, and a magazine and battery of cannon, a sort of preparation which usually accompanies the "march of mind," they began to erect houses, which work, as some were sick and others unused to labor, was necessarily slow. It is pleasing to observe, that they looked beyond their immediate wants; for one of the first steps taken was the laying out a nursery and public garden, from which the people might be supplied with plants for their own cultivation, and also with vines, oranges, olives, and mulberry-trees.

A letter written at the time gives an inter-

esting account of the chief of the enterprise, and shows that, of all their labors and sacrifices, he was ready to bear more than his part. He was very indifferent as to his own accommodations of every kind, but very careful to secure the best he could for his people. In sickness and suffering, he was sure to be with them ; but his discipline was exact and unyielding ; he allowed no idlers ; all, even the children, were provided with something to do. All disputes were immediately referred to him ; as he could have no personal ends to serve, his decisions were satisfactory to impartial minds. The letter shows not only the energy and disinterestedness of Oglethorpe, but also the confidence which his bearing inspired ; a reward which does not always follow those who best deserve it.

Another contemporary authority bears the same testimony to Oglethorpe, in a pamphlet called "A New Voyage to Georgia," first published in 1735. The writer sailed from London for Charlestown, as it was then written, in 1733, and arrived after a passage of three months. After a short stay there, he proceeded to Savannah, which he describes as a pleasant town, situated on a beautiful bluff above the river. It contained, at the time, about forty houses, all of the same size, twenty-two feet

by sixteen. The four lofty pines under which the first encampment was made were still standing, and there Oglethorpe himself still lived, in a house without a chimney, and more inconveniently lodged than any other person. The writer says of him, that "he is a worthy gentleman, and one that has undergone a great many hardships in settling of it, and one that the English nation will always be bound to pray for. It is to be wished, that all other gentlemen, especially those that have it in their power, would have the good of their country and of all his Majesty's subjects as much at heart."\* He says there is every promise that it will soon be a flourishing country. In the centre of the town was a place reserved for a church, which was to be erected as soon as possible. Public worship, meantime, was attended in a building which was used as a school-room on the other days of the week.

The town was protected by a large guard-house, in which were several guns mounted, and a watch kept night and day; a lighthouse was building, fourscore feet high, to be set upon the point of Tybee Island. After travelling a few months, the writer made a second visit to Savannah, and was struck with the surprising change that had

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\* *A New Voyage to Georgia*, p. 4.

been made in less than half a year. The houses were not only increased from forty to a hundred, but they had settled several villages at some distance from the town, and were fast extending plantations on the Ogeechee and other rivers. His impression was, that no colony was ever established, which promised so much advantage to England. He thought the climate the finest in the world, neither the cold nor the heat ever going to excess; the land appeared to be good, and the water excellent; the culture of mulberries and vines was well suited to the climate, and there was every prospect of succeeding both with silk and wine. These occasional glimpses at the new settlement, furnished by those who had no interest in their favor nor against them, afford the surest means of forming a correct judgment. It was not long, however, before serious difficulties rose, and statements directly contradictory to each other made it difficult to ascertain the true condition of the new people.

In justice to their neighbors of South Carolina, it should not be forgotten, that they rendered the new colony their most friendly and efficient aid. They sent Colonel Bull, a man of energy and experience, familiar with the work of clearing the land for a settlement, who took with him men and provisions, that he

might not burden them with expense, and gave them at once the benefit of his services, his instructions, and his example. A detachment of soldiers was sent to protect them, while they should make preparations for their own defence; vessels belonging to South Carolina were placed at their disposal; a hundred cattle and a score of swine were sent as a present, together with twenty barrels of rice; all which substantial kindness was accompanied with congratulations on their success, and warm wishes for their future welfare. In the following summer, Oglethorpe made a visit to Charlestown, and appeared before the Governor and House of Assembly, when he expressed his gratitude to them in an address, thanking them for their sympathy and assistance in the name of the trustees, of the infant colony, and also of the distressed persons in Britain, and the persecuted Protestants in Europe, all of whom were deeply interested in the success of an enterprise, which would offer to many sufferers a refuge, a resting-place, and a home.

It should also be commemorated that a letter was received from Thomas Penn, at that time the proprietor of Pennsylvania, in which he expressed his deep interest in the philanthropic undertaking, promised all the aid he might be able to render, and informed them that, beside

subscribing one hundred pounds himself, he was employed in soliciting subscriptions from others.

On returning from Charlestown, where he made no longer stay than official courtesy required, Oglethorpe found the chiefs of the Lower Creeks in attendance at Savannah, for the purpose of forming a treaty with the colony. The deputation consisted of chiefs and leading warriors, about fifty in number. They were received with respect and kindness, and invited to hold a council. There the General informed them, that the English, in coming there, had no idea of troubling or disturbing the original proprietors of the soil; they wished to be on the best terms with them, and were desirous to obtain from them a cession of lands, and to enter into an alliance for the benefit of both parties. Quechachumpa, an old chief, rose, and replied in a friendly speech; and a treaty was soon concluded, by which the Indians ceded lands on the Savannah River as far as the Ogeechee, and all the lands along the coasts between the Savannah and Alatamaha Rivers, including all the islands, and extending west as high as the tide flows. A reservation was made of two or three islands, and a small tract on shore, the former for bathing and fishing, the latter for an encampment when visiting the country. The presents, on the part of the

English, consisted of a laced coat, a hat, and a shirt to each of the chiefs, a gun with powder and shot to each of the war-captains, and a mantle of coarse cloth to each of the men who accompanied them. After this the Indians departed, well pleased with the regard which had been shown them, and the evident disposition, on the part of the English leader, to respect their rights, and to be forbearing in the use of his power.

Soon after this, Oglethorpe took with him a detachment of rangers on an excursion into the country. He selected a place on the west bank of the Ogeechee River, which commanded the passes through which the Indians had been in the habit of making inroads on Carolina. On a commanding height he built a fortification, to which he gave the name of Fort Argyle, in honor of the friend and patron of his early years, who had borne testimony in the House of Lords to his military talent, his contempt of danger, his generosity of spirit, and his devotion to the public good. The object of this outpost was to guard against surprise from the Spanish posts in Florida. A company of soldiers was stationed there as a garrison, and several families from Savannah established themselves as cultivators in the neighboring country.

A time was set apart in the following month,

July, for assigning the lots in Savannah, and marking out the wards of the town. The lots in the town were small, not exceeding a quarter of an acre; but others of five acres were assigned at a little distance, where the settlers could raise what was needed for their support.\* The wards and tithings were then designated, each ward consisting of four tithings, and each tithing of ten houses. This was followed by a religious service and a public dinner, the latter being the usual afterpiece to all American celebrations.

This proceeding was followed by the establishment of tribunals of justice, for which purpose officers were appointed, and a system set in operation. But it was easier to devise and frame the necessary arrangements, than to carry them into effect; and with all the good intentions of the trustees, which could not be doubted, it was found that their reservation of all power in their own hands for twenty-one years gave them the aspect of a body having interests opposed to those of the people. Such certainly was the impression of the colonists; and the natural result was, that all the inconveniences and hardships, inseparable from an enterprise of the kind, were ascribed at once to abuse of

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\* *A New Voyage to Georgia*, p. 6.

power. There was no common interest among them; the restless and discontented found none who were strongly interested, and determined to put them down; as the government was not their own affair, there were few who cared much whether it was sustained or resisted. In all new settlements, there are numberless causes of complaint and disunion; but in popular governments, they work themselves off, without danger of explosion. In that age, the difficulty and danger of attempting to suppress them by power was little understood; our age has learned it from many a history, written deep in blood.

It was the intention of Oglethorpe, at this time, after the first laborious efforts of colonization were over, to make a tour through the provinces, before returning to England. His fame had gone before him; and no sooner was his purpose known in Massachusetts, than Governor Belcher addressed a letter to him, containing an offer of an honorable welcome at his own house in Boston, which was followed by a vote of the House of Representatives of the province, in which they acknowledged, in terms of the highest respect, his services to the cause of humanity at large; and for themselves they said, "The Assembly are well knowing of the many good offices he hath done this province, in that, when the interest, trade, and business

thereof have been under the consideration of the British Parliament, he hath, in a distinguishing manner, consulted measures to perpetuate the peace and lasting happiness of this government; and, as his worthy and generous actions justly deserve a most grateful and public acknowledgment, they assure him that this country will retain a lasting remembrance of his great benefactions.”\* Unfortunately, the pressure of business,

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\* Alluding doubtless to the part taken by Oglethorpe, in Parliament, against the *Sugar Act*, in 1732; by which act, the northern colonists believed their interests to be sacrificed to the clamors of the sugar planters in the West India Islands. In the debate on that bill, Oglethorpe said,

“Our colonies are all a part of our own dominions; the people in every one of them are our own people, and we ought to show an equal respect to all. I remember, that there was once a petition presented to this House, by one county, complaining that they were very much injured in their trade, as to the sale of beans, by another; and therefore they modestly prayed, that the other county should be prohibited to sell beans. Such things may happen; I hope it is not so at present; but in the case before us, if it should appear that all our plantations upon the continent of America are against that which is desired by the sugar colonies, we are to presume, at least, that the granting thereof will be a prejudice to the trade or particular interests of our continent settlements; and surely the danger of hurting so considerable a part of our dominions will at least make us incline to be extremely cautious in what we are going about.” — *Parliamentary History*, Vol. VIII. p. 920.

which was never lightened, prevented his visit to New England, where he would have been received with an enthusiasm, which the government and people, not always harmonious in other measures, would have united, on this occasion, to show to one who was regarded as the benefactor of America and the friend of man.

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## CHAPTER V.

*Arrival of the Saltzburgers.—Settlement of Ebenezer.—Indian Chiefs in England.—Interest in the Conversion of the Indians.—Engagement of the Wesleys.—Highland Emigrants.—Settlement of Frederica.*

THE year 1734 was made remarkable by the addition of the Saltzburgers to the colony. These were Protestants, who were compelled,

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— This was sage counsel ; but Parliament was not *cautious* ; the Sugar Act was passed ; and it was one of the most obnoxious in the series of grievances, which weighed heavily on the hearts of the colonists till the final rupture between the two countries. — Ed.

by persecution for conscience' sake, to fly from their homes in Bavaria, in the dead of winter. A portion of them found refuge in the Prussian territories; but others, in the hope of being instrumental in converting the Indians, were desirous to seek a place of rest beyond the sea. Great sympathy was felt for them in England; and, after it was ascertained that such was their wish, a ship was sent to transport them from Rotterdam to Dover. They embarked, accordingly, in January, 1734, under the charge of Baron Von Reck, and their pastors, John Martin Bolzius and Israel Christian Gronau. Their conduct on the voyage was such as strongly to impress all observers with respect for their single-minded and heavenly devotion; and, after many hardships, they arrived at Charlestown on the 7th of March, at a time when Oglethorpe unexpectedly was there to bid them welcome. With his usual kindness, he supplied their ship with provisions, and treated them with a generous sympathy, which they did not soon forget. On the 10th, they reached Savannah, on the Sabbath; and "as they lay off the shore, and heard the birds singing sweetly," it seemed to them that, after their many sufferings, they had been conducted at last to a resting-place and a home.

The colonists, who knew their history, received them with the warmest kindness. Barracks and tents were provided for them till the return of Oglethorpe, who was at Charlestown, on his way to England, but was determined to see the Saltzburgers provided for before he left them. He had promised that they should choose the place which suited them best; which they described as a “place distant from the sea, on a gently-rising ground, with intervening vales, near springs of water, and on the border of a small river or brook;” such being the description of their former home. As soon as he returned, therefore, he went up the river in company with the elders, and at the house of Musgrove, about six miles from Savannah, they took horses, and moved in a westerly direction through the woods, till they came to a river, where the adjacent land was hilly, with valleys of cane-land, in which were little brooks and springs of water. This they selected at once; and, kneeling down by the river side, they thanked God for having brought them, through so many dangers, to “a land of rivers and fountains, a land of valleys and hills.” With the Bible in their hands, they marked out a place where the settlement should begin, and there sang a hymn; after which the pastor pro-

nounced a benediction, and the name *Ebenezer* was given to it. "Hitherto the Lord hath helped us!"

The opinion which the exiles expressed of Oglethorpe was undoubtedly sincere; it is found in the journal of Bolzius, their pastor, who writes, "So far as we can conclude from a short acquaintance with him, he is a man who has a great reverence for God and his holy word and ordinances, a cordial love for the servants and children of God, and who wishes to see the name of Christ glorified in all places. So blest have been his undertakings and his presence in this land, that more hath been accomplished by him in one year than others would have effected in many. And since the people here have so good cause to appreciate his right fatherly disposition, his indefatigable toil for their welfare, and his illustrious qualities, they feel that his departure would be a real loss to them. For he hath cared for us with a most provident solicitude. We unite in prayer for him, that God would guide him to his home, make his voyage safe and prosperous, and enrich him with many blessings."\*

When this business was concluded, he re-

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\* Harris's *Oglethorpe*, p. 88.

turned to Charlestown in company with a retinue of Indian chiefs, who were to go with him to England, where their presence, which was then a novelty, was likely to attract the general attention, and produce a favorable effect. They took passage in the *Aldborough* man-of-war, which, after a passage of little more than a month, arrived in England on the 16th of June, 1734.

He immediately sent word of his arrival to the trustees, who received him with honors and congratulations, giving entertainments as a mark of public respect, and unanimously voting their thanks for "the ability, zeal, and perseverance with which he had conducted the affairs of the settlement," and assuring him "that they should ever hold his services in grateful remembrance." From the prints of the day it appears that his return created a considerable sensation in England. Complimentary verses, which were not then the same depreciated currency as at present, were liberally dispensed to him; his name was established among men of large views and energetic action, as a distinguished benefactor of mankind.

The Indians were provided for at the Georgia Office; and when they were suitably dressed, and had painted their faces, a fashion, by the

way, not wholly unknown in court circles before they came, they were taken to the palace at Kensington, to be seen by the King and courtiers. Tomo Chichi was the orator on the occasion. He said to the King, "that he had come to see his person, the greatness of his house, and the number of his people. He was himself too old to expect any personal advantage; but he hoped to secure the benefits of knowledge and religion for his people." He then offered the feathers of an eagle to the King, saying, "I present to you, in their name, the feathers of an eagle, which is the swiftest of birds, and flieth round our nations. These feathers are emblems of peace in our land, and have been carried from town to town to witness it. We have brought them to you, to be a pledge of peace on our part, to be kept on yours." The King made a gracious reply, after which they were presented to Queen Caroline, who was in truth the reigning monarch. She was addressed with respect and good taste by an aged chief; and, after they had been introduced to the whole royal family, they returned to their lodgings. They remained four months in England, receiving every attention which might inspire them with friendly feeling and respect for the power and resources of the country; and they appear to have borne

themselves throughout with that instinctive propriety and self-command, which are the distinguishing traits of the race to which they belonged.

Oglethorpe remained in England after their return, to attend to his public and private duties; but he retained his full interest in the colony. At his suggestion, the trustees prepared a regulation, which was matured by the government into a law "for maintaining peace with the Indians." A subsidiary measure of great importance was also taken, by passing an act to prevent the importation and use of all kinds of ardent spirits, and also to supply their place with beer and wines; the philosophy of the day not having reached the discovery, that the taste created by temperate indulgence in the one naturally leads on to the excessive use of the other. Another act reënforced the provisions already made to prevent the importation of slaves, giving as a reason the expense of their purchase and support, and the certainty that white labor would be brought into contempt, if work could be done by other hands. There was a difference of opinion, as to the propriety of these prohibitory statutes; but Governor Belcher, alluding to Georgia, records his approbation in the words, "I still insist upon it, that these

regulations are essential to its healthy and prosperous condition."

The attention of the Indians, while in England, had been directed to the education and religion of the whites, as the great elements of their superior prosperity and strength. Oglethorpe endeavored to deepen that impression, and also to provide the means of instructing them in all those things, which it was most important for them to know. For this purpose he appealed to the evangelical Wilson, Bishop of Sodor and Man, to prepare a manual suited to the purpose. He did so without delay, and the work was printed at the expense of the "Society for propagating the Gospel in foreign Parts." In the preface he states, that he was moved by General Oglethorpe's great and generous concern, and his well-known endeavors in behalf of that unfortunate people, to do what little was in his power toward smoothing the way for them to receive the gospel.

The trustees, after this, began to look round for fit persons to employ as preachers at Savannah, with a view, also, to the conversion of the Indians. At the suggestion of Dr. John Burton, who was one of the Board, they turned their attention to the celebrated John Wesley, then a young man, well known for his great attainments and earnest piety. Oglethorpe was not unac-

quainted with the family, having had some communication with the father, to whose published works he subscribed, to the amount of twenty pounds. When he proposed the mission to Wesley, he declined at once; but he was so wrought upon by the representations made of the good which he might do, that, after a time, he agreed to go, in case his mother should consent. He thought it very unlikely, that she could be reconciled to his leaving her soon after his father's death, which brought poverty, loneliness, and sorrow upon her; but, with that lofty spirit, for which she was remarkable, she said, as soon as it was mentioned to her, that, if she had twenty sons, she should rejoice to have them so employed, though she should never see them more.\* He consulted with William Law and John Byrom the poet, and was so much encouraged by their sympathy and hope of benefit to mankind from his services, that he entered heartily into the work, from which he had shrunk at first, probably from the consciousness that he was better qualified for other fields of duty.

Before these arrangements were carried into effect, it was found necessary to do something for the temporal welfare of the colony. A con-

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\* Southey's *Life of Wesley*, Vol. I. p. 90.

siderable proportion of the first settlers had begun to exhibit the same points of character in their new home, which had reduced them to distress in England; and, as their wants were supplied till they could rely upon themselves, they had not the impulse of stern necessity to drive them to exertion. The trustees began to look for better materials; they saw that it required hardy, judicious, and resolute men to constitute a state, and that there must be at least enough of that description to give a prevailing spirit to the whole. While, therefore, they offered liberal terms to those who chose to emigrate, they endeavored to impress upon their minds that they must encounter great hardships, though they were supplied with lands and provisions for a year. The woods were to be cleared away, and the land subdued to cultivation, which was a work of toil and time. The climate was oppressive in summer, and, by a curious alliance of evils, they were told that flies and thunder-storms abounded.\* If they were prepared with strong hands and hearts to give battle to difficulties and dangers, they were advised to go; otherwise, they were assured that

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\* Moore's *Voyage to Georgia*, p. 9. This volume was published in 1744, but the regulations here alluded to were adopted in July, 1735.

the colony was no place for them. Several were dismayed at this representation ; but, as the number of applicants was far greater than could be received, there was no failure of numbers. In Scotland, the enterprise met with great favor ; one hundred and thirty Highlanders, with fifty women and children, enrolled themselves for the expedition ; and, from their hardy habits, they were thought excellent settlers for the exposed frontiers.

Oglethorpe, who was the soul of all these movements, was diligent in making arrangements for the safety and success of the emigration, preparing tools, provisions, clothing, and other stores, for the settlers, and comforts of various kinds for the voyage ; not with reference to himself, however ; for we are assured, by a fellow-passenger, that, while he made these preparations, he paid the passage of the gentlemen who were with him and his servants, and scarcely ever ate any thing but the common provisions of the ship. There were two vessels employed, each of about two hundred and twenty tons, the *Symond* and *London Merchant*. The government offered a vessel for the accommodation of the General ; but he declined the offer, preferring to accompany the emigrants,

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\* Moore's *Voyage*, p. 15.

that he might take care of their health and welfare on the voyage. A considerable number of Saltzburgers and other Protestants from the Continent joined themselves to this party.

The arrangements for the passage showed a regard for the laws of health, of which we can trace few examples in the history of the time. The ships were supplied by the trustees with vegetables of every kind that could be preserved, which were to be dealt out with salt provisions, in order to prevent the scurvy. The ships were divided into cabins, with gangways between them, each cabin having its door and partition; in these they were disposed by families, the single persons being placed by themselves. There were constables appointed to prevent disorder of every kind; the men were exercised in the use of arms, and the women provided with cloth, needles, and thread, to keep up their habits of industry. The vessels were kept rigidly clean, and washed with vinegar and water as often as the weather would allow. In case of sickness, the General visited the patient, and provided him, from his own stores, with every thing for his comfort and relief. Such was the effect of this humane and enlightened attention, that not an individual died on board the crowded vessels in the long and weary voyage, which

lasted more than three months. They arrived at Savannah on the 5th of February, 1736.

The duties of religion were not neglected on board the vessels. The Wesleys, for Charles accompanied his brother, read prayers twice a day. On Sundays, they preached, catechized the children, and administered the Lord's supper. The dissenters, of various descriptions, conducted their worship in their own way, it being the order of the General that they should enjoy their faith, whatever it was, in peace. Wesley appears to have been profoundly impressed with the pious simplicity of the Germans. They performed every servile office for the other passengers, without allowing any acknowledgment to be made them; and, if they were treated with injury and contempt to any degree, they bore it with unaltered kindness and good will. Wesley did not feel himself prepared to die, and was anxious to know what their feeling in the prospect of death would be. A storm rose while they were engaged in their religious services; the sea covered the ship, split the mainsail, and poured down between the decks in such a manner as convinced the passengers that their last hour was come; but, while the cry of despair rose on all sides, and the thunder of the tempest sounded, the voice of the Mora-

vians was heard at intervals calmly singing praise to God.\*

The Reverend Henry Moore relates an incident concerning Wesley, which is very honorable to him, and also throws light on the character of the General, who, like almost all other men of great energy, had fire slumbering within. Wesley, hearing a great noise in the cabin, stepped in to inquire the cause ; he found Grimaldi, the General's foreign servant, pale and trembling before his master, who said, "Mr. Wesley, you must excuse me. I have met with a provocation too great for a man to bear. You know that I drink only Cyprus wine, which agrees with me best of any. I therefore provided myself with several dozens of it, and this villain has drunk up the whole. But I will be revenged on him. I have ordered him to be bound, hand and foot, and carried to the man-of-war that sails with us. The rascal should have taken care not to serve me so, for I never forgive." "Then I hope, Sir," said Wesley, "that you never sin." The General at once put his hand into his pocket, and took out a bunch of keys, which he threw to Grimaldi, saying, "There, take my keys, and behave better for the future."

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\* Southe, Vol. I. p. 94.

After the long passage across the Atlantic, the sight of land was more than welcome. Wesley says, “The groves of pine along the shore made an agreeable prospect, showing, as it were, the verdure and bloom of spring in the depth of winter.” After a night of quiet rest, they went on shore on a small island, where they all kneeled, and returned thanks to God for their safe arrival. Then, leaving the party, the General proceeded to Savannah, where he was received with an enthusiastic welcome. But his first care was to provide for the emigrants; as soon as possible he sent them refreshments and provisions, and, shortly after, visited them himself, carrying a supply of beef, pork, venison, and wild turkeys, together with vegetables of various kinds, which were not only grateful to those who had been so long confined on shipboard, but an encouraging sign of what abundance could be found in a region which had been settled but three years.

In some respects, he was doomed to disappointment and vexation. Before he returned to England, he had made a contract, and provided materials for the construction of a lighthouse; but, on his return, he found that the work had been entirely neglected, which was owing in part to unfaithfulness and want of energy in the contractor, and in some measure to the use of

ardent spirits, which had been introduced in defiance of the law. It was a disappointment also to find that the Germans were not disposed to proceed to the south, to make a settlement on the frontier of the province, which was the chief object of the expedition, some because they apprehended trouble from invasion, war being against their conscience, and others from a desire to enjoy the services of the clergymen who were settled at Ebenezer. There was some uneasiness also in that Moravian colony. The pastors came to Savannah with the petition of the people for leave to remove, for reasons which do not all appear. Their complaint was, that the land was poor, and that the corn harvest had failed ; but they evidently abounded in everything, and their patient industry had already made the wilderness blossom like the rose. The General was not disposed to deal hardly with so valuable members of society ; and, after strongly advising them to remain, but to no purpose, he consented to their forming a new settlement on the Savannah River.

In Savannah and its immediate neighborhood, the aspect of things was promising. There, too, was discontent ; but it might be traced to the improvident and the idle, who found it as difficult to prosper without labor there, as everywhere else in the world. In the

town, about two hundred houses had been built, many of them much larger than the one inhabited by the Governor, which was of the small dimensions first erected. They stood on lots sixty feet wide by ninety deep, a size which gave room for ornamental cultivation, and secured the town from the danger of spreading fires. The rent of the best was thirty, and that of the poorest, ten pounds. Large squares were left at proper intervals; and these, as well as the streets, were shaded with trees. The botanical garden was situated at the east of the town, on the sloping bank, and included the alluvial ground below. It supplied the settlers with such vegetables and seeds as were necessary for the cultivation of their own grounds; there was also an extensive nursery of fruit-trees connected with it; on the borders of the walks were orange, olive, and fig-trees, pomegranates, and vines. In the warmest part was a collection of tropical plants, such as coffee and cotton, cultivated, by way of experiment, to ascertain what the climate would allow. Various specimens were furnished, some by Mr. Eveleigh, a public-spirited merchant of Charlestown, and others by Dr. Houston, from the Spanish West Indies, where he was sent by Sir Hans Sloane and others to collect and transmit them

to Georgia. Great pains were taken to cultivate the tea plant, but entirely without success.

Large squares in the garden were planted with mulberry-trees, and worms were fed and silk produced without difficulty; but there was much trouble with the Indians, one of whom stole the machines, broke the apparatus and the eggs which he could not carry away, and fled to South Carolina. Those who continued faithful had saved a few eggs; but the work was necessarily suspended for the year.

A party of Highlanders, who had settled on the Alatamaha River, were obliged to abandon their garrison, by the want of supplies and communication with Carolina. The General sent a party of rangers to their aid, and, to prevent a repetition of the difficulty, surveyors to mark out a road from Savannah to the Alatamaha. Tomo Chichi furnished them with Indian guides. That chief, together with Scenauky, his wife, and other attendants, paid a visit to the General on board the ship, bringing a present of venison, milk, and honey. They informed him that the Uchee Indians made loud complaints of planters, with negroes and cattle, coming into their country in defiance of the terms of the treaty; to which he replied by a written order to the public authorities to give warning to such

offenders, and to seize their slaves, if they did not remove within three days. At the same time, the law of Parliament, in relation to the subject, was sent, with directions to publish it to all concerned.

All this while, the General was impatient to proceed with the establishment of the new town near the southern frontier of the province, for which purpose the last emigrants had come. He was apprehensive lest the Spaniards might proceed against the Highlanders there, if they were not supported; and much damage of goods and danger of sickness might also arise from delay. The captains of the ships did not like to encounter the dangerous navigation near the islands. He, therefore, bought the cargo of the sloop *Midnight*, on condition that it should be delivered at a station near the Alatamaha River. He went himself, in the scout-boat, which was a sort of revenue cutter, of so light draught that it could venture through the channels between the mainland and the islands, while the sloop was to follow, more at leisure, with arms, ammunition, intrenching tools, and efficient men. The scout-boat being moved with oars as well as sails, they went forward without delay, the men being anxious to please the General, who supplied them liberally, without regard to his own wants. The Indians, also, begged leave to do

their part. They soon arrived at the Island of St. Simons, where the new settlement was to be made. As soon as they could land from the scout-boat and the sloop, which arrived at about the same time, they immediately commenced their labor. The long grass was removed by fire, booths were erected and thatched with palmetto leaves, for a temporary lodging, and, as they were not without apprehensions of danger, a fort with ditches and ramparts was at once begun. This was the foundation of the town of Frederica.\*

When these things were planned and set in order, he went to visit Darien, a settlement of the Highlanders, about ten miles from Frederica, on the northern branch of the Alatamaha River. The Highlanders received him in military array, making an imposing appearance with their plaids and broadswords. In compliment to them, he wore a similar dress, and gratified them, also, by his hardy habits of exposure; since, instead of accepting the comfortable lodgings prepared for him, he wrapped himself in his plaid at night, and slept upon the ground. He found the people prosperous and contented; their minister, Mr. McLeod, was devoted to his religious concerns, and would have nothing to

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\* Moore's *Voyage*, p. 44.

do with any other. They were greatly delighted to find that they were to be sustained by a new town so near them, and also that a road was to be made, by which they could communicate with Savannah ; for, however fearless, they were few in number, and their dangers were of a kind which they could not meet alone.

One who accompanied the Governor in this expedition, describes Frederica as situated on the Island of St. Simons, on the middle of a field of the Indians, where they had cleared and cultivated about forty acres. The open ground, on which the town stood, was bounded by a small wood toward the east, on the other side of which was a fine savanna of about two hundred acres, affording food for their cattle. On the south were woods consisting of red bay and live-oak trees, which were reserved for the public service, while those on the north were set apart for the purposes of fire and building.\* The settlers were greatly delighted with the rich forests, which abounded with water-oak, laurel, bay, cedar, gum, sassafras, and, above all, with the live-oak, an evergreen of great beauty for shade, and invaluable for ship-building. In this region, they were also encouraged,

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\* *Georgia Historical Collections*, Vol. I. p. 115.

by seeing the abundance of vines in the woods, to hope that much might be done in the production of wine. The forests abounded with deer and rabbits, raccoons and squirrels. Game was also found in great plenty on the islands, and still more so on the mainland, such as the wild turkey, so called from the strange notion, that it came from the country whose name it bears, the partridge, the turtle-dove, the rice-bird, the bobolink of New England; while the red-bird and the mocking-bird filled the air with strains of wild music, such as they had heard in no other land.

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## CHAPTER VI.

*Settlement of Rights and Boundaries.—Hostilities apprehended.—Oglethorpe's Influence with the Indians.—Hostile Purposes laid aside.—Difficulties with Carolina.—Spanish Commissioner.*

THERE was an occasional threatening of difficulty with the Spaniards, respecting boundaries, as early in the history of the settlement as this. There were four nations of Indians, the Choc-

taws, the Cherokees, the Chickasaws, and the Creeks, in the neighborhood ; the last of whom came most directly in contact with the Europeans. The sovereignty of the country was claimed by Great Britain, in consequence of the discovery by Sir Walter Raleigh ; but no possession was taken of any part of it, without obtaining the consent of the Indians. In the treaty of 1670, Carolina, as granted to the English, extended to St. John's River, with the exception of several islands and some tracts on the mainland, which the Indians reserved to themselves ; and there was an express understanding, that no private Englishmen should establish themselves anywhere to the south or west of the Savannah River, without asking their permission, and giving them sufficient warning.

General Oglethorpe, in his first voyage, had complied with this condition, and secured this grant from the Indians ; and his object now was, to know what was granted, and to take a formal possession. When he returned to St. Simons, he found Tomo Chichi, with his nephew Toonahowi, and a party of about forty of their people. An expedition was fitted out, of two ten-oared boats, in which he took the Indians, together with his own attendants, while the Highlanders followed in the periagua, a flat-bot-

tomed boat, with oars and sails, under the command of Captain Mackay.

The first afternoon of their voyage, they saw an island, which was called Wissoo or Sassafras by the Indians, and San Pedro by the Spaniards. As a hill in it commanded the passage by which boats might approach from the south, the General thought it necessary to establish a fort there, for which purpose he left the peria-gua, with the Highlanders. Toonahowi, to whom the Duke of Cumberland had given a gold repeater when he was in England, here drew it out, saying, "The Duke gave us this watch, that we might know how time went; we will at all times remember him;" and therefore proposed that the island should bear his name. The General gave the name of Amelia to another large island, south of the former, which was beautiful in appearance, "the sea-shore covered with myrtle, peach-trees, orange-trees, and vines in the wild woods." They rowed across a fresh-water river, and, when they encamped for the night, Tomo Chichi chose a ground free from trees, in compliment to the English, because it was one, he said, in which, if necessary, they could fight to most advantage. Next morning, he conducted them through several channels till they came to the

entrance of the River St. John, which was indicated by two rocks covered with cedar and bay-trees, from the top of which he showed them the Spanish guard, saying, that his purpose was to fall upon them by night, and thus avenge the wrongs of his people. It was with great difficulty, that the General could induce him to abandon this purpose, which would scarcely have been consistent with the peaceful design with which he had come.

One of his objects was to inquire concerning a party, which he had previously sent to conduct to St. Augustine Mr. Charles Dempsey, who had arrived in the *Symond*, with a commission from the Spanish minister in London, to confer with the Governor of Florida respecting the boundary between that country and Florida. With this view, he visited the lookout and the guard-house, on the Spanish side, but found them both deserted. In the course of the night, the Indians came to them in a state of furious excitement, saying, that Tomo Chichi had seen the fire of his enemies, and was prepared to take his revenge immediately, first sending word to his English friends, that they might be upon their guard. The General at once set forward in the darkness, and rowed to the place where the Indians were, about four miles distant. By strong appeals to their sense

of honor, he prevented the assault for which they were preparing; and by the light of the next morning, it appeared that the supposed enemies were the very escort of Mr. Dempsey, to inquire for which they had come.

This meeting was a pleasant surprise to both parties. Major Richards, who went with the charge of the escort, informed the General, that he was wrecked on his passage to St. Augustine, with the loss of part of his baggage; he was kindly received by the Spanish Governor, and the necessary repairs of the boat had occasioned his long delay. He brought letters to the General, thanking him for those which had been forwarded by Mr. Dempsey and Major Richards, but complaining bitterly of aggressions made by the Creeks, and intimating that the forts then building by the English would lead to dissatisfaction.

On returning to the place where the Highlanders were left, he was highly gratified to find how much they had accomplished, though they had no engineer to direct their work, and the soil, which was a loose sand, was very unfavorable to their operations. He returned his thanks to them for their zeal in the public service, but they said, that, while there was danger, they should consider it a privilege to stay.

On the 25th of April, the General and his

party reached Frederica, on their return, and the Indians arrived on the next day. They encamped near the town, and celebrated the successful close of the expedition by a war-dance; after which they were dismissed with presents, and thanks for their faithfulness in the service of the King. Notwithstanding the friendly professions in the letters brought by Major Richards, it was ascertained that the Spanish Governor of St. Augustine had sent to buy arms at Charlestown, and that he was preparing to arm the Florida in conjunction with the Yamassee Indians, and to send them, in company with a Spanish force, to dislodge the English from their fortifications. The complaint against the Creeks was made to afford a pretext for this enterprise; and, as the garrison of St. Augustine, already large, was expecting reinforcements from Havana, there was a prospect that the attempt would be attended with success.

This intelligence the General did not communicate to the people; but, not to be wanting in precaution, he determined to arm a periagua with four swivels, and to send it to cruise on the River St. John, in company with a scout-boat, to prevent the Indians, who detested the Spaniards, from giving them any just cause of war. This expedition was fitted out with arms, ammunition, tools, and provisions for three months,

and was placed under the command of Captain Hermsdorff, who was to leave Major Richards and Mr. Horton, his attendant, at some place on the Florida shore, whence they could proceed to the Governor at St. Augustine, with letters to acquaint him, that, "being greatly desirous to remove all occasions of uneasiness upon the frequent complaints by his Excellency of hostile incursions upon the Spanish dominions, armed boats had been sent to patrol the opposite borders of the river, and prevent all passing over by Indians or marauders." The messengers were also charged to return General Oglethorpe's thanks to him for his civilities, and to express his desire of harmony between the subjects of both crowns. Meantime the General took all possible care to strengthen his defences and prevent a surprise. A fort was planned at St. George's, to command the inland passages. St. Andrew's Fort, on Cumberland Island, was considered strong and efficient, and the works at St. Simons were pressed on with all the force which he could command. The Indians, who were not accustomed to labor, were of great use in supplying the workmen with venison and other fresh provisions from the woods. Several of their chiefs promised to come with their warriors, the moment hostilities should begin. Boats were laily arriving from Savannah and Port Royal

with the necessary stores; in fact, the whole colony felt deeply interested in his proceedings, there being no doubt, that the Spaniards would lay waste all the settlements, if they should succeed in destroying this.

While the whole neighborhood of Frederica was in this state of excitement, the scout-boat, which accompanied Major Richards, returned with the intelligence, that he, Mr. Horton, and some others, were prisoners at St. Augustine. Captain Hermsdorff, not considering the post at St. George's capable of defence, and fearing a mutiny among his men, was returning, and, if he should be pursued, was very likely to fall into the enemy's hands. It appeared that Major Richards, on his arriving at St. George's, sent over to the Spanish side, according to arrangements made with the Governor; but the promised horses and attendants were not there. In order to save delay, Mr. Horton offered to walk to St. Augustine, the voyage being dangerous, to give notice of Major Richards's arrival. For this purpose, he was landed, and, some days after, two smokes were seen on the mainland, which were the appointed signal; the boats, being despatched in that direction, returned with the information, that a guard and horses were in waiting to conduct the Major to St. Augustine. His officers remonstrated against his put-

ting himself in the power of the Spaniards without security for his safe return ; but, neglecting their advice, he went on shore, and was seen to ride away. A few days after, smokes were again seen in the same place ; the boat, being sent, returned with a coarse writing, with a lead pencil, in German, purporting to be from Major Richards, and simply stating that he had arrived at the quarters of the Captain of horse. It being clear that nothing could be gained by waiting, Captain Hermsdorff thought it his duty to return for orders.

The General, when he heard of these proceedings, determined to go in person to inquire what they might mean. He embarked in a scout-boat, leaving directions for another to follow. When he came to St. George's, he landed, and found there some works, which he repaired and mounted with cannon. He then set out for the Spanish coast, with a flag of truce, in order to ascertain what had become of his men. For some time, he could find no trace of inhabitants ; at last, an armed man was taken by one of his party, who produced a letter from Mr. Horton, giving an account of his arrest. He was rewarded for bringing it, and promised to come for an answer next day. He did not appear ; but a Spanish gentleman was found, who promised to deliver letters for the General at

St. Augustine, and to bring back the answers. No answers came ; and, by this time, being fully convinced, that the Spaniards were preparing for hostilities, he sent word to the various colonies, and prepared to defend his own to the best of his power.

While his relations with the Spaniards were thus threatening, it required some care to keep on good terms with the Indians. The Uchee chief had come to Frederica with his attendants, having taken some disgust at a proceeding of the Saltzburgers, who had cleared and planted several acres of land beyond the Ebenezer River, without his knowledge and against his orders. But what troubled them most was, that some people from Carolina had crossed the Savannah River with negroes and cattle, and commenced a plantation not far from the Indian town. The General had heard of these things before, and had sent orders to have them remedied. For this the Uchee chief gave him thanks, and said that they loved him for having done them justice ; they were ready to help him against the Spaniards, and, if he desired it, they would bring a large body of their warriors, and remain with him till the danger was over. From this it appeared, that the Indians were well disposed ; but the irritation arising from the encroachments of unprincipled borderers, of whom there were

many, might at any time inflame their passions, and make them dangerous neighbors, unless the treatment of the English was uniformly kind and just.

The Spanish authorities, however, were not ready to proceed to extremities at this time; thinking, probably, that, in making an assault on the territories of others, they might endanger their own. The Governor of St. Augustine, after vainly endeavoring to gather from Major Richards and Mr. Horton information concerning the forts and garrisons of the English, sent a party, under Don Ignatio Rosso, to make a personal investigation, who returned with the information, that the islands were strongly fortified and guarded by many armed boats, with great numbers of men. Upon this, it was thought advisable, since invasion might come from the other side, to release the prisoners, and to send them with a friendly deputation to the General, to make all necessary compliments and explanations, and to intimate, that these warlike preparations were wholly needless, where both parties were so well disposed toward each other. The General made preparations to receive the embassy, by appearing with his cavalcade, consisting of seven men and horses, which, says Francis Morse, "were all we had," by drawing up his troops with large spaces between them,

and firing the cannon in such a manner, as to give the impression that the batteries were large, which was not difficult, as the Spaniards were received upon another island. They were welcomed in the most hospitable and respectful manner, with entertainments, salutes, and presents.

Some Indian chiefs came in at the time, and represented to the Spanish delegates what cruelties had been practised by the Florida Indians on some of their number. They expressed their abhorrence of such barbarity, and promised that the offenders should be punished as they deserved. To which Hyllispilli, one of the chiefs, gravely replied, in a manner rather sincere than courtly, "We hear what you say; when we see it done, we will believe you." Notwithstanding these friendly communications, the evidence of warlike preparations on the part of the Spaniards was thought so strong, that the works on the islands were not suspended, and no reasonable precautions were laid aside. However interesting and important these works were at that day, time has left few traces of them. Mr. Spalding, in a recent description of the place, says, "Time and the elements, and men in pursuit of other objects, have scarcely left a wreck behind. The wood has been transformed into a cotton-field. The river, driven

on by hurricanes, has swallowed up the water batteries and much of the fort. The bricks, too, have been taken away by spoilers, and the tabby\* has been sawed into blocks to erect other buildings." †

Some difficulties began to arise, on the other side of the colony, respecting intercourse with the Indians. When Georgia was made a separate colony, it included in its bounds the Indians west of the Savannah, who had formerly been connected with Carolina. The General had taken care to secure their good-will by making treaties of alliance with them; and, as they had been sorely defrauded in their former traffic with the whites, and had requested that some stipulations should be made respecting the prices, quality, weight, and measure of articles which they sold, it was thought best that none should be permitted to trade with them without a license, and a pledge that their dealings should be honorable and just. The Carolina traders refused to apply for a permit, or to submit to any restriction; and therefore the Georgia commissary, Captain McKay, would not allow them to reside in the country. They complained to the Assembly of the province of South Carolina, and

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\* A composition of oyster-shells and lime.

† *Collections of the Georgia Historical Society*, Vol. I. p. 257.

a committee was appointed to confer with General Oglethorpe on the subject at Savannah. Meantime the excitement increased and spread. The Carolina traders freighted boats with goods to ascend the river to Augusta, thus saving the expense of inland transportation. In passing the town of Savannah, they were seized by the magistrates, who ordered the casks of rum, which made a part of the cargo, to be staved, and the crews to be thrown into prison.

The conference at Savannah ended without giving perfect satisfaction to either party. The magistrates of Savannah acknowledged their error, and made reparation to the traders whose property they had destroyed. But the committee maintained that no charter from the crown could give the Georgians control over the Indians, who always had reserved their own independence, and had a perfect right to trade with whom they would. Oglethorpe acknowledged that the Indians were independent, and not bound by English laws; but he said that they had entered into treaties with Georgia, and certain regulations had been made, not only with their consent, but at their request; and to enforce those regulations implied no aggression upon the rights or independence of the red men. He said that no permit had been refused to any trader who conformed to the regu-

lations, and that the conditions which he made with them were the same with those which Carolina herself had exacted. In case any new regulations were made by Carolina, he promised to add them to the instructions of the Georgia traders ; and he would order his officers to make no distinction between the two provinces ; but, in order to protect the Indians, it was necessary to require a license, a measure of precaution that could not be abandoned. The only result of the conference was of the practical kind. The navigation of the Savannah River was to be open alike to both parties ; the Carolinians promised not to introduce ardent spirits among the settlers in Georgia, and the agents of the latter province were instructed to render their neighbors all the friendly assistance in their power. But, as Ramsay says, “the rapacious spirit of individuals could be curbed by no authority.”\* Must it always be true, that the presence of Christian civilization, so called, shall, in its first-fruits, be a destroying curse to the people to whom it comes ? Can that state deserve the name of civilization, from which such results are sure to flow ? Every such conflict between civilization and barbarism seems to be but the effort of one serpent to swallow up the other.

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\* Ramsay's *History of South Carolina*, Vol. I. p. 49.

After this conference was over, the General returned to Frederica, where he made advances to the Spaniards, and found encouragement to hope that all differences would be adjusted. But, while he was concluding with the Governor of St. Augustine a treaty, which had been made by the intervention of Mr. Dempsey, and on terms favorable to the interests of the colony, he was arrested by the information that a Spanish commissioner had arrived from Cuba, charged with communications which he was to deliver in person. In the conference which followed, the commissioner required that the English should abandon all the coast south of St. Helena's Sound, which was claimed as belonging to the King of Spain. He would listen to no argument in support of the English claim, nor would he admit the validity of the treaty just made; but he declared, that, unless the territory in question was immediately surrendered, measures would be taken to enforce the demand. Perceiving that the ground thus taken by Spain must necessarily, if persisted in, lead to hostilities, which would greatly endanger the interests of his colony, the General thought it necessary to proceed immediately to England, to represent to the ministry the state of affairs in America, and to procure that support which the welfare of the settlers and the honor of

the nation required. Such representations must be made by some one who had influence; since the government very easily forgot the danger at a distance in their many perplexities nearer home.

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## CHAPTER VII.

*Connection with the Wesleys.—Mutual Disappointment.—Wesley's first Effort.—Peculiarities of Manner and Doctrine.—Charles Wesley at Frederica.—Returns to England.*

IT was during this time of fierce excitement that the Wesleys resided in the colony; a circumstance that must be noted, since Oglethorpe appears to less advantage in his connection with them than in any other part of his history; and it is but just that everything which tends to his excuse and justification should be fully understood. At the same time, it is extremely difficult to sift the truth from accounts so much colored by passion and entangled by art. The principal agents and witnesses were two profligate women, whose reputation was such in England, that the General

openly expressed his unwillingness to take them to Georgia. By pretending a great interest in religion, they succeeded in going over ; but such was their subsequent conduct, that, taken in connection with their previous history, no confidence can be placed in statements made by them, unless confirmed by better authority than theirs. One of these vagrants appears to have gained an ascendancy over the mind of Oglethorpe, which she, in her strange communications to Wesley, ascribed to the power of her charms. She used it to estrange him from the brothers, whom she represented as libellers of his character and conspirators against his power.

To John Wesley, a single-hearted man, whose confidence she gained to some extent by professions of repentance, she represented herself as too intimate with the General on the voyage, being quite willing, apparently, to bring the reputations of others to a level with her own. Wesley evidently believed her communication, and his intercourse with the General became constrained in consequence. What ground there may have been for the charge, it is not easy to say ; the authority certainly was not of the highest order ; but the biographers of Wesley appear to have thought a faith in it essential to his defence, and would also have it understood that the General employed her frail companion to gain

a similar conquest over Wesley ; and that, in resentment at the discovery of the plot, he intimated, one day, to Wesley, that he could find Indians enough to shoot him for a trifling reward. It is not possible to credit, to any extent, witnesses so self-condemning and abandoned. Wesley himself, in his published Journal, has observed a dignified silence on the subject ; a course which his ardent friends would have done well to follow, since no injury to the character of others is necessary for the complete defence of his own.

The truth was, that it was a case of disappointment and misunderstanding. The General, though he had a great reverence for religion, and treated it with profound respect on all occasions, had no sympathy with the spiritual character of the Wesleys ; he only knew them as zealous and fervent men, who would be likely to make a deep impression by their preaching, and thus to serve the cause of morals and good order. Dr. Burton, who recommended them to the trustees, thought that their self-denying habits fitted them for the duty, and supposed that they would be willing to follow such counsels as the friends of the colony deemed essential to its welfare.

The trustees, of whom Dr. Burton was one, considered them regularly engaged as chap-

lains; but they looked upon themselves as at liberty to give their efforts to the conversion of the Indians, or to that work, whatever it was, in which most good might be done. But there were difficulties in the way of this enterprise, desirable though it was, so that even the Moravians, when he discussed with them the objections to a mission to the Choctaws, thought he should not go. On one occasion, when some Indians had attended a funeral where he prayed, they said they knew that he was speaking to the "beloved ones," to take up the soul of the young woman. They were asked if they would like to know more of the beloved ones. They answered, that they had no time but to fight then; if peace should ever come, they would be glad to know. Tomo Chichi explained to him, that they did not wish to be made Christians after the Spanish manner; they wished to be instructed before they were baptized; and the same old chief afterwards, when urged to listen to the doctrines of Christianity, showed that he had been observing the lives of Christians, without drawing from the view any inference in favor of their religion. He said, "Why, these are Christians at Savannah! These are Christians at Frederica! Christian much drunk! Christian beat men! Christian tell lies! Devil Christian! Me no Christian!"

Wesley's preaching at Savannah seemed at first to be crowned with great success. A deep impression was evidently made. When the church and the ball-room were open on the same evening, the latter was almost deserted. Not satisfied with awakening their religious affections, he made war on all the vanities of the world. He was told that he would find as well-dressed an audience in Savannah as those which he saw in London. He did so, and at once took occasion to speak freely on the subject of dress ; some were offended, doubtless ; but an evident change was made, not only in this respect, but in the solemnity with which the service was attended. In other places, he taught the same lesson of plainness and simplicity ; his friend Delamotte instructed a school, where some boys, who wore shoes and stockings, assumed a superiority to those who were not so well provided. Wesley requested leave to teach the school, and went into it without shoes or stockings. Under such countenance, the bare-footed party rallied, and pride, at least in that form, was driven from the school. These proceedings were new and strange to many of the colonists, who had only expected the chaplain to conduct them through the easy forms of devotion. Still none could charge him, in this, with any departure from the path of duty.

But there was another respect, in which there were more grounds for the charge. He says, in a letter to Mr. Hutcheson, that he had changed his opinion on the subject of clerical duty; for once he thought it his whole duty to preach the gospel, but he was now persuaded, that, under certain circumstances, secular matters might come under his charge.\* He thought it his duty, therefore, to take an interest in the controversy between Georgia and South Carolina respecting trade with the Indians; but this would have occasioned no excitement, if he had not brought his lessons upon civil rights and duties nearer home. He not only preached upon the duty of resistance to public authority, in the case of individuals making themselves judges of their own rights, but spoke in the court against the proceedings of the magistrates, in such a manner as to inflame the passions of the people.† This, doubtless, was the reason which tended most to disaffect the General toward him; since, in a community made up of such elements, there was difficulty enough in enforcing the laws before; and the magistrates apprehended personal violence, with such a champion on the disloyal

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\* Moore's *Life of Wesley*, Vol. I. p. 245.

† Stephens's *Journal of Proceedings in Georgia*, Vol. I. p. 19.

side. The public officers gradually discontinued their attendance at church ; his interest in secular affairs, though it employed little of his time, impaired his religious influence ; he lost the power over the conscience which he had at first exerted ; and, with the utmost self-devotion of spirit, felt that he was accomplishing little in the service of his Master.

The prejudice against Charles Wesley, who was stationed at Frederica, was equally strong. It might have been supposed, that his amiable spirit and gentle sincerity would have disarmed all enmity ; but the settlement was composed of rough and restless materials ; and his reproofs of sin, however kindly given, were deeply resented. Some of the women, who accompanied them on the voyage, were jealous and quarrelsome ; and, unfortunately for his own comfort, he endeavored to reconcile them to each other. He only succeeded in uniting them against himself ; and they used every effort to injure him in the opinion of the General, who resided at Frederica, for the time, and who, in his vexation at seeing the dissension increase, which he trusted the minister of the gospel would allay, was too easily led to believe these injurious representations. One of the vagrant women, of whom mention has been made, was his chief enemy ; and, as her social position was higher

than her moral standing, she was able to injure him more than would have been possible under other circumstances, and among a more established people.

He soon began to perceive that the General was alienated from him; and every thing tended to increase the difficulty. While Oglethorpe was absent with the Indians, the doctor thought proper to shoot during the service on the Sabbath, which was contrary to the General's orders, and for which the constable arrested him. This was charged to Wesley, who was assailed with all manner of abuse for it, and the excitement spread till the whole town was in arms. When the General returned, he was told that Wesley had stirred up sedition among the people, endeavoring to persuade them to leave the place. He sent for Wesley, and stated the charge to him, saying that he should have no scruple at shooting the insurgents, but out of regard he had spoken to him first. Wesley intimated to him what the character of his accusers was, and suggested to him, that, if he showed any disinclination to finding him guilty, it would materially affect the confidence with which the charge was made. He took the hint, and the accusation dwindled at once to the assertion, that the minister had caused the disorder, by forcing men out to prayers against their will.

It was clear that there was no foundation for any reproach ; but the General, adverting to it afterwards, asked him how it was, that "there was no love, no meekness, no true religion, among the people ; but, instead of it, mere formal prayers." Wesley told him that the absence of the reality was not owing to the abundance of the forms ; for there were seldom more than six people at prayers. Still the General had the impression that, if the clergyman pursued a judicious course, it would be impossible for such disorders to attend his labors.

About this time, John Wesley, relieved by Ingham at Savannah, came to visit his brother. By his offices, the way was opened for reconciliation with the General, who sent for Charles Wesley, and said to him, among other things, " You will soon see the reason of my actions. I am now going to death ; you will soon see me no more. Take this ring, and carry it from me to Mr. V. His interest is next to Sir Robert's ; whatever you ask, he will do for you, for your brother, and your family. I have expected death for some days. These letters show that the Spaniards have long been seducing our allies, and intend to cut us off at a blow. I fall by my friends, on whom I depended to send their promised succors. I will pursue all my designs, and to Him I recommend them and

you." He then gave him a diamond ring. Wesley took it, and said, "If I am now speaking to you for the last time, hear what you will quickly know to be a truth, as soon as you are entered on a separate state. This ring I shall never use for myself; I have no worldly hopes; I have renounced the world; life is bitterness to me. I came hither to lay it down. You have been deceived as well as I. I protest my innocence of the crimes I am charged with, and think myself now at liberty to tell you what I thought never to have uttered." The explanation which he made satisfied Oglethorpe of the injustice of his suspicions; he said that they were entirely removed. He then embraced and kissed Wesley with cordial affection, and they went together to the boat. A mourning sword was brought to him twice, which he refused to take; at last they brought him his own, which had been his father's. "With this," said he, "I was never unsuccessful." When the boat put off, Wesley ran along the shore to see him for the last time. Oglethorpe stopped the boat, and asked if anything was wanted. Wesley said, "God is with you; go forth *Christo duce, et auspice Christo.*" He answered, "You have some verses of mine; you there see my thoughts of success." The boat soon disappeared, and Wesley remained praying that God would save

him from death, and wash away all his sins. This singular scene shows that the General was laboring under depression, if not disease, of mind, and this may in part explain his treatment of Wesley, which was so unlike the other actions of his life.

After a few days, the General returned. The fleet, which had threatened the coast at the time, was driven off by stress of weather, and the danger thus averted. Charles Wesley says, "I blessed God for still holding his soul in life. In the evening, we took a walk together, and he informed me more particularly of our past danger. Three large ships and four smaller had been seen for three weeks together at the mouth of the river; but the wind continuing against them, they were hindered from making a descent till they could stay no longer. I gave him back his ring. 'I need not, indeed I cannot, tell you, Sir, how joyfully I return this.' 'When I gave it you,' said he, 'I never expected to receive it again, but thought it might be of service to your brother and you. I had many omens of my death; but God has been pleased to preserve a life, which was never valuable to me; and yet, in the continuance of it, I thank God, I can rejoice.' He appeared full of tenderness to me, and passed on to observe the strangeness of his deliverance, when betrayed on all sides,

without human support, and utterly helpless. He condemned himself for his late anger, which he imputed to want of time for consideration. ‘I longed, Sir,’ said I, ‘to see you once more, that I might tell you some things before we finally parted. But then I considered, that, if you died, you would know them all in a moment.’ ‘I know not,’ said he, ‘whether separate spirits regard our little concerns; if they do, it is as men regard the follies of their childhood, or as I my late passionateness.’” Henry Moore, Wesley’s biographer, asks, “Could these words be uttered by any man of understanding, who believed the Christian revelation?” Why not?

Wesley continues; “April 30th, I had some further talk with him; he ordered me everything he could think I wanted, and promised to have a house built for me immediately.” But his office of secretary was not to his taste, and he took the earliest opportunity to resign it. The General regretted his purpose, saying, “I am satisfied of your regard for me, and your argument, drawn from the heart, is unanswerable; yet I would desire you not to let the trustees know your intention of resigning. There are many hungry fellows ready to catch at the office; and, in my absence, I cannot put in one of my own choosing. Perhaps they may send me a bad man; and how far such a one may influence

the traders, and obstruct the reception of the gospel among the heathen, you know. I shall be in England before you hear of it; and then you may either put in a deputy or resign." The General then sent him with despatches for England; but the vessel, having an unfit captain, and meeting with stormy weather, was obliged to make for Boston, so that he was about three months on his way to England.

In all the history of Charles Wesley, in Georgia, there is nothing which brings a shadow of reproach on his fair fame. He was earnest and faithful among a people who were not disposed to profit by his services. Undoubtedly he was disappointed to find so little Arcadian simplicity in the new lands beyond the sea, but evidently, in a difficult position, he did his best; and what more could be required? From the history of their connection, it is easy to see how the General was beset with perplexity and trouble. He, too, looked for something like simplicity of heart and kindness of feeling among the emigrants; but he found only bitterness and dissension, and was constantly stunned with complaints within, while he was threatened with dangers from abroad, which he saw no way to meet. His delusion, with respect to Wesley, evidently grew out of the depression which this state of things occasioned; and it should be re-

membered, that he was ready to acknowledge his error, and to receive his former friend to his full confidence again, which is by no means common with men high in station, and almost unlimited in power.

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## CHAPTER VIII.

*Difficulties encountered by John Wesley in Georgia.—He returns to England.*

WHILE Charles Wesley was suffering at Frederica, in the manner just described, the early prospects of his brother John at Savannah were far more encouraging. His great ability could not fail to make a strong impression on those, who did not understand his lofty conscientiousness and self-devotion. Neither could they help respecting the apostolical zeal with which he forded rivers, crossed swamps, slept on the ground, and exposed himself to all kinds of hardship in the service of the cross. In the times of greatest opposition he was more than hated; but his strong heart, confirmed by religious feeling, sustained him under such discouragement, while what his brother Samuel called

his "iron body" enabled him to go through with his incessant labors. The great purpose of his life was expressed in these lines, written at Savannah in the year 1736.

"Is there a thing beneath the sun  
That strives with Thee my heart to share?  
Ah! tear it thence, and reign alone,  
The Lord of every motion there."

The same disinterestedness, which shone through all his life, appeared in his conduct there. A salary of fifty pounds was allowed for his support, which he had resolved not to accept; but his brother Samuel represented that this would be unjust to those, who might come after him, and, on that account, he consented. When he had been a year in Georgia, he sent to the trustees an account of his expenses for that time, including those of Delamotte, which, exclusive of building and journeys, amounted to a little more than forty-four pounds. Yet he felt obliged afterwards to write to the trustees to defend himself against the charge of appropriating money to his own use; a charge which nothing but the wildest malice could have brought against him.

The thing, which has been made the most serious reproach to him at the time, and in later years, grew out of his connection, such as it was, with Sophia Hopkins, whom Southey by mistake calls Sophia Causton, because she was

the niece of Mr. Causton, a leading magistrate at Savannah. She is described as graceful in person and fascinating in her manners; and it is said, probably on no other authority than conjecture, that the General was desirous that Wesley should marry her, hoping that it would make him more practical in his ideas of religious duty, by bringing him more under social influences, and into communication with other men. But, setting aside this gossip, in which this history abounds, it is certain that she desired to make a conquest of him, whether from vanity or real interest it is not easy to tell. She was introduced to him as one, who was sincerely asking the way to eternal life, and under various pretexts contrived to be often near him, and to lay siege to his heart.

On one occasion, the General invited him to dinner, and told him that many, judging from his habits of life, thought he considered the use of wine and animal food unlawful. To convince them that such was not his reason, he took a little of both; the consequence of which was a fever, that confined him for some days. She attended him day and night, entirely against his will, but with a watchful tenderness, which a person unused to such kindness, and naturally warm-hearted, would be likely to feel deeply. She suited her dress to his well-known taste

for neatness and simplicity, and manifested that interest in religion, which, more than anything else, was likely to awaken sympathy in him. She thus succeeded, to a certain extent, in inspiring attachment, and the great question with his biographers has been, whether it partook most of the nature of gratitude or love. Those who take the unfavorable view, like Southey, believe that he was desirous to marry her, and that he afterwards resented her giving herself to another, while he was making up his mind. His friends, on the contrary, take a view more consistent with his character and the circumstances as they appear; which is, that he was interested in her in consequence of the interest she had shown in him. He was doubtful whether he ought not to make the offer of his hand; but, at the same time, he was not fully convinced of the depth of her religious feeling, and dared not flatter himself that she would be a fit companion in his religious life and duties. Supposing his mind to have been in this state, his conduct becomes perfectly clear; his heart was interested in her more than his judgment could approve; and with him it was a question of duty, whether gratitude and the interest which he seemed to have inspired in her required him to marry her, or whether he should disappoint

her expectation, resist his own desire, and keep himself free for the service of his God.

His friend Delamotte, having no attachment to blind him, was aware of the unsoundness of her religious professions, and saw how much the welfare of his friend was endangered by her art. He therefore explained to Wesley what he thought of her, and asked him if he had determined to make her his wife. He was not prepared to reply; but, thinking Delamotte might be prejudiced against her, he called on the Moravian Bishop, a single-hearted man, and asked his opinion. "Marriage," said he, "you know, is not unlawful; whether it is now expedient for you, and whether this lady is a proper wife for you, ought to be maturely weighed." Finding himself unable to decide, he applied to the elders of the Moravian church. When he entered into the house where they were met together, the Bishop said, "We have considered your case. Will you abide by our decision?" After some hesitation, he answered, "I will." "Then," said the Bishop, "we advise you to proceed no further in this business." To which he replied, "The will of the Lord be done." The reason of this reference evidently was, that they could judge better than he concerning her character, and the extent to which he was bound to her. As to the for-

mer, he labored under doubts, which he could not remove; but, if others thought him under obligation, he was ready to offer himself; and certain it is, that, had he consulted his inclinations merely, he would have done it before.

The official biographers of Wesley think it necessary to implicate General Oglethorpe in this matter, as if he had nothing to do, in those stirring times, but to arrange a little intrigue of this description. The whole charge against him rests, as before, on the testimony of one of those vestals, who have appeared so often. She said to Wesley, that Oglethorpe had laid this plot to cure him of his enthusiasm; adding, "I have been urged to that behavior towards you, which I am now ashamed to mention. Both Miss Sophia and myself were ordered, if we could but succeed, to deny you nothing." How probable it was that the General would give such orders to ladies, and what sort of a lady it was that could make such a communication, the reader can easily judge. It was evidently part of a system, diligently pursued by his female enemies, to embroil him with the General, and to drive him from the colony if possible. Dr. Whitehead, on the contrary, thinks it necessary to lay Wesley under some reproach; saying, "I cannot help thinking it would have been more to the reputation of

themselves [the official biographers and Mr. Wesley] to have openly avowed the fact, that he did intend to marry Miss Causton, [Hopkins,] and was not a little pained, when she broke off the connection at last." But it has been sufficiently shown, that, much as he desired to marry her, he did not intend it, unless he was bound to it in honor; and that his pain arose, not from the circumstance that she married another, but from his doubts whether her character was what it should have been, and her professions sincere.

There was no danger of any heart-breaking on the lady's part; and the sympathy manifested by Southey and others seems to have been needlessly bestowed. It was on the 4th of March, that their intimacy ceased, and four days after she engaged herself to Mr. Williamson, and on the 12th of the same month they were married.

The matter, however, was not destined to end here. A few months after her marriage, Wesley mentioned to her some things which he thought reprehensible in her conduct. "No man but Wesley," says Southey, "would have done so after what had passed between them; but at this time his austere notions led him wrong in everything." Here the biographer assumes, that the things which he found fault

with were trifling improprieties of behavior ; and if so, his remark might have some foundation. But this does not appear ; it is not likely that Wesley would have interfered, except under a stern sense of obligation. The only thing which throws light upon the subject, is a remark of Grahame, that "he was threatened with both civil and criminal process for refusing to administer the communion to a notorious adulteress."\* To whom but Mrs. Williamson could this remark be meant to apply ? That historian says, that the private journal of Charles Wesley was submitted to him by his surviving daughter, Sarah, and the reader is left to infer that this was a part of the information which it contained. Certainly, if it was so, and even if John Wesley had reason to suppose her guilty of that sin, it affords a full explanation of his proceeding, and shows the painful necessity, and, at the same time, the generous forbearance, of the course which he pursued.

The lady was, naturally enough, troubled under these circumstances ; but the unpopularity of the clergyman induced many others to take up the cause, which she perhaps would have forborne to press ; particularly her husband,

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\* Grahame's *History of the United States*, Vol. III. p. 200

who was determined to carry it through. Wesley, not to bring her to open shame, took ground upon the rules of the church, which require that those who intend to partake of the communion shall signify their purpose to the curate beforehand; and that, if any has done wrong, the curate shall warn him not to come to the table till he declares himself to have repented. As, in compliance with the latter of these rules, he had communicated with her on the subject, and had received no satisfaction, and as she had given him no notice of her design to communicate, after long neglecting the table, he repelled her from the communion, as he thought himself in duty bound.

There was an obvious reason why those, who sympathized with Mrs. Williamson, should be silent concerning the real cause of this exclusion, and ascribe it to a spirit of revenge. Mr. Causton was so much excited, as to read to all, who would hear them, passages of Wesley's former letters to his niece, chosen in order to sustain this view of the subject. Wesley, meantime, expressed feelings not very likely to be associated with angry passion. "I sat still at home, and, I thank God, easy, having committed my cause to Him; and remembering his word, 'Blessed is the man that endureth temptation; for when he is tried, he shall receive

the crown of life, which the Lord hath promised to them that love him.’’ But his enemies were active, and, the day after her exclusion, a warrant was served upon him, and he was carried before the recorder and magistrates of Savannah, on the charge of Williamson, first for defaming his wife, and secondly for repelling her, without cause, from the communion. To the first charge he opposed his denial, and the second being an ecclesiastical matter only, he denied the power of the court to call him to account. He was told, nevertheless, that he must appear before the next court; but when Williamson desired that bail should be given, he was told that Mr. Wesley’s word was sufficient. Mr. Causton demanded of him, that he should state before the court the reasons for his proceeding as he did; but Wesley said, that he apprehended injurious consequences might arise from his doing so, and it would be better that the whole subject should be laid before the trustees.

As Mr. Stephens testifies, this matter was the chief subject of interest in Savannah, and filled it with scandal and strife.\* At the request of some of the communicants, Wesley drew up a short statement, which he read after evening

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\* Stephens’s *Journal*, Vol. I. pp. 36—47.

prayers. By way of reprisal, Mrs. Williamson made an affidavit, in which she stated that Wesley had offered himself to her many times, and been rejected, which certainly was untrue. He desired a copy of it, and was told by Mr. Causton, that he could find it in any paper in America. A grand jury was summoned, consisting of fifty persons, instead of fifteen, the usual number. One of them was a Papist; one a Frenchman, who did not speak English; fifteen were dissenters, and therefore not the proper judges of church discipline; and many were professed enemies of Wesley, who had publicly threatened him with revenge. Causton addressed this singular body in a speech, exhorting them to resist all spiritual tyranny, and furnished them a list of grievances, which, with some small alterations, was handed in as a true bill. It contained ten counts, one of which was for writing and speaking to Mrs. Williamson without her husband's consent, another for excluding her from the communion, and all the rest related to his discharge of clerical duties.

Mrs. Williamson was examined, and testified that she had no objection to make to Mr. Wesley's conduct before her marriage. Mr. Causton, on examination, acknowledged that, if Mr. Wesley had asked his consent for his niece, he should not have refused it; while Mrs. Causton testified

what was most to the purpose, from which it appeared that it was *at her desire*, that Wesley had written to Mrs. Williamson that warning respecting her conduct, which was ascribed to revenge, and from which all the tumult arose; a fact by which Wesley might at any moment have justified himself, but which his delicacy induced him to conceal. By this time, it was tolerably clear, that nothing would be made out against Wesley; and that so numerous a grand jury might not come together for no purpose, they took occasion to enter into an investigation of the whole public history of Mr. Causton himself, for which purpose they summoned witnesses; but this course was so unpalatable to him, that he immediately adjourned their meeting to a future day.

When Wesley appeared before the court, he declared, that, as nine of the counts in the indictment related to ecclesiastical matters, they did not come under the cognizance of that tribunal. But the tenth, concerning his writing and speaking to Mrs. Williamson, was of a secular nature, and on that charge he desired to be brought to trial. He urged this with much earnestness, saying, "Those who are offended with me may then see whether I have done wrong to any one; or whether I have not rather deserved the thanks of Mrs. Williamson, Mr.

Causton, and the whole family." By this time, twelve of the grand jury were moved to draw up a protest against the proceedings of the majority, to be forwarded to the trustees; but it was in vain that he demanded a trial; again and again he appeared; but as often the case was put aside, and his claims disregarded. The object evidently was to wear out his patience, till he should leave the colony, without that public recognition of his innocence which he had a right to demand.

After some months spent in this way, he determined to return to England, and he set up a notice in the public square, requesting all who had borrowed his books to return them before he left the country. To keep up appearances against him, the magistrates required security for his answering in court, and published orders to constables and sentinels to prevent his leaving the colony; orders, however, which were not meant to be obeyed. He went to a happier home and a more extended field of labor; but, though some have represented this early part of his history as not in harmony with his later life, it will be found, on examination, that he was spiritual, conscientious, and devout, as in later years; and there can be no doubt, that the harvest which Whitefield, his active and intrepid successor, reaped in Georgia, was owing,

in a great measure, to seed which Wesley had sown.

This account of the Wesleys has been presented somewhat at large, because they have been unreasonably censured, and quite as injudiciously defended by those who think it necessary to destroy the General's reputation in order to vindicate theirs. It will be remembered, that Charles Wesley had finished his course in Georgia in the preceding year. Whatever John Wesley ever knew to the General's disadvantage, he must have been acquainted with before the General or he left the country; and yet it appears, that, in the spring of the next year, he writes to him in the following terms, which he could not have used, if he had lost his respect for him, or believed him the instigator of pitiful intrigues against him. In a letter to General Oglethorpe, in England, dated February 24th, 1737, in which he alludes to charges made against him, he says, "If, as I shall hope till strong proof appear, your heart was right before God; if it was your real design to promote the glory of God, by promoting peace and love among men, let not your heart be troubled; the God whom you serve is able to deliver you. Perhaps, in some things, you have shown you are but a man; perhaps I myself may have a little to complain of; but what a train of bene-

fits have I received to lay in the balance against it! I bless God that ever you was born. I acknowledge his exceeding mercy in casting me into your hands. I own your generous kindness all the time we were at sea; I am indebted to you for a thousand favors here. Why, then, the least I can say is, though all men should revile you, yet, if God shall strengthen me, so will not I." John Wesley was never suspected of any want of sincerity; and yet, according to some of his friends, he addressed words to a man, whom he knew to be corrupt and licentious, and who, he believed, had laid plans to ruin his virtue and reputation, and even had employed others to take his life. Believe it who will.

The journal of John Wesley is silent with respect to these particulars just adverted to. This charge against Oglethorpe is not sustained by him. Grahame says, that an aged friend of his was in a company in London, where Wesley first met the General after his return from America; the latter approached Wesley, and respectfully kissed his hand. Sarah Wesley assured him, that both her father and uncle always expressed the kindest feelings toward him. His conduct toward them, at times, in America, they were unwilling to discuss; whenever they referred to it, they spoke of it as an

unfortunate delusion, which was more to be lamented than condemned. Such conduct was certainly honorable; for there is no doubt of his having treated them with unkindness in consequence of the malicious charges of their enemies; and it also gives testimony, that, whatever reasons for complaint he might have given, a deep feeling of mutual respect existed. They, doubtless, looked on him as a man of the world, and he regarded them as enthusiasts; but each party did justice to the great merits and virtues of the other.

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## CHAPTER IX.

*Whitefield's first Visit to Georgia.—Establishment of his Orphan House.—Oglethorpe returns to England.—Appointed Commander-in-chief of Carolina and Georgia, on the Prospect of a Spanish War, and goes back to Georgia with a Regiment of Troops.*

WHEN Charles Wesley returned to England, he encouraged a desire, which the celebrated Whitefield had formed, to preach the gospel in Georgia, believing that his fiery heart and re-

sistless eloquence might be able to deal with obstacles, which more quiet spirits were unable to subdue. He addressed him in inspiring words.

“Servant of God! the summons hear!  
Thy Master calls! arise! obey!  
The tokens of his will appear;  
His providence points out the way.

“Champion of God! thy Lord proclaim!  
Jesus alone resolve to know;  
Tread down thy foes in Jesus’ name,  
And, conquering and to conquer, go!”

It was not that Charles Wesley wished to expose others to trials from which he himself had fled. He was himself determined to return, but, much to the disappointment of General Oglethorpe, a dangerous illness prevented. The vessel, which carried out Whitefield, was in the Downs on her outward passage, when that in which John Wesley returned was about to anchor on the shore of England. When he arrived in Georgia, he was unpleasantly struck with the aspect of the young colony, and saw that it was quite possible to carry across the deep the same dispositions, which had made them unprosperous and unhappy at home. But so far from being discouraged at this, he regarded it as an inspiration to his energies; and he called them to repentance and reform with

a voice of matchless power. He was particularly affected by the condition of the children. The idea of an Orphan House had been suggested to him by Charles Wesley; and, believing this to be the most essential want of the settlement, he set himself about the establishment of one with that force of character which enabled him to accomplish whatever he had at heart. He was delighted with a similar institution of the Saltzburgers, which he saw at Ebenezer. Indeed, every thing about the settlement of those industrious and faithful exiles answered to his ideas of a Christian community; and, like Wesley, he thought it a privilege to look to them for instruction and example.

It was not in his nature to rest; and, after visiting the various settlements, where, instead of finding cause for depression, he wondered rather that so much was done, he returned to England, after an absence of less than a year, to receive priest's orders, and to secure funds for the proposed Orphan House. The trustees readily granted five hundred acres of land for the purpose, and, though he insisted on having no salary, gave him the living of Savannah. He made public appeals in behalf of the contemplated charity with perfect success. In a little more than three years, he returned to Georgia, where he laid the foundation of the building

on the 11th of March, 1742. Afterwards, he exerted himself in its favor, as he travelled through England and America, and had the satisfaction of believing that he had rendered permanent service to the cause of humanity and religion.\*

When General Oglethorpe returned to England, in the beginning of the year 1737, he found the English people in a state of sufficient excitement, and ready to do all that might be necessary to secure the colonies from the grasp of Spain. He received the unanimous thanks of the trustees for his services; and, in compliance with his suggestion, the Board petitioned that a regiment might be raised for the defence and protection of Georgia. This was readily granted; and he was appointed General and Commander-in-chief of his Majesty's forces in Carolina and Georgia; with commission to raise a regiment, consisting of six companies, of one hundred men each, to which a company of grenadiers was afterwards added. In making his appointments, he disdained to sell commis-

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\* During Whitefield's several visits to America, he formed an intimate friendship with Franklin, who rendered him effectual aid towards collecting funds for his Orphan House. In writing to his brother, August 6th, 1747, Franklin says, "I am glad that Mr. Whitefield is safe arrived, and recovered his health. He is a good man, and I love him." — Sparks's *Works of Franklin*, Vol. VII. p. 74.

sions, according to the usual practice, but appointed men of character and standing, and engaged twenty young gentlemen to serve as cadets, who were afterwards promoted according to their merit, supplying them with what was necessary to pay the fees of their commissions, and provide their outfit as officers; an extent of generosity very unusual in the service at that or any other day. In order to induce the soldiers, who might enlist, to become settlers, every man was allowed to take a wife with him, with additional pay and rations for her support. Part of the regiment embarked early in the spring, and arrived at Charlestown in May. The remainder sailed in company with the General in the *Hector* and *Blandford* men-of-war, and five transports, which, after a passage of little more than two months, arrived at St. Simons in September of the same year.

His first object was to put every frontier post in a state of defence, assigning different corps for the services to which they were best adapted; some to garrison the forts, some to range the woods, others, light armed, for expeditions at short warning. Vessels were stationed on the coast to give notice of any approach of enemies by sea, as the Spaniards were understood to be preparing a force for embarkation at the Havana, and it was supposed that Georgia was most like-

ly to be the point where the blow would fall. The General set the example to the troops of activity and contempt of hardship. He always lay in tents, though the men had houses, or huts, in which they could have fires, which were often needed ; he never, in his public capacity, required others to do or suffer anything, where he was not willing to go before and set the first example.

This was not, however, sufficient to prevent all disaffection among the forces. Some appeared to have enlisted with the view of corrupting others. One Shannon, a Catholic, had merited the severest punishment at Spithead, and afterwards at S<sup>t</sup>. Simons ; but, instead of suffering death, he was whipped and drummed out of the regiment. General Oglethorpe discovered his true character on the voyage, but was unwilling to take his life. After leaving the army, he endeavored to make trouble with the Indians, but was taken and thrown into prison at Savannah, from which he escaped, and, in conjunction with a Spaniard, murdered two persons at Fort Argyle. For this crime, they were taken at the Uchee town, and brought to Savannah, where they were executed. It appeared, that, on the voyage, he had money in plenty, and there was reason to suppose that he was a treacherous agent for others.

Shortly after this, but not in connection with it, another difficulty arose. Some of the soldiers, who came from Gibraltar, had received their provisions for six months, in addition to their pay. When the provisions were exhausted, they were to live upon their pay; but, finding that the supply was spent, they grew discontented; and one of them, bolder than the rest, went up to the General, as he was standing with Captain Mackay, and demanded a renewal of the supply. The General calmly told him, that the conditions of their enlistment were fulfilled; and, if they wished for favors, they took the wrong way to obtain them. The man growing insolent, the Captain drew his sword, which the soldier wrenched from his hand and broke in two, throwing the hilt at him. He then ran to the barrack, where he seized his gun, crying out, "One and all!" upon which five others, who were in readiness, rushed out with their guns, and the ringleader shot at the General. The ball did not take effect, though the powder scorched his face and burned his clothes. He was immediately surrounded by faithful soldiers, who seized the mutineers, and prevented further outrage. They were tried by a court martial, and received sentence of death. Mr. Stephens remarks, "Among other things, generally talked of in town, none deserved the like attention

as what was told us concerning a late mutiny among the soldiers at Fort St. Andrew; where they attempted openly the life of the General himself, as well as their immediate officer, Captain Mackay. But, by the great presence of mind in the General, and his daring intrepidity, it was happily suppressed, with the loss of one man shot in the scuffle, and divers taken into custody, to meet with their demerits, at a court martial, hereafter.”\* It does not appear that any one was killed on the occasion; but letters at the time, from the camp, lamented that the General’s humanity made him so slow to inflict the punishment of death, when the court martial had awarded it, and the officers were not secure without that solemn warning.

When the spirit of insubordination was quelled among the troops, and the safety of the frontier provided for, the General took the opportunity to visit Savannah, where many things required immediate attention. He was received with salutes, bonfires, and all testimonies of public rejoicing; but there were some, who, knowing his impartial integrity, could have small share in the general satisfaction. He was informed that the grand jury had made a representation, complaining of Mr. Causton, as arbitrary and

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\* Stephens’s *Journal*, Vol. I. p. 326.

partial in his conduct as a magistrate, and corrupt and wasteful in his charge of the public stores. On examining the subject, the General removed him from his office, appointing in his stead Colonel William Stephens, who had been sent over as secretary of the colony by the trustees, the author of the Journal to which reference has been made, and required Causton to give security for his appearance to answer the charges, by assigning his estate at Oakstead, and his improvements elsewhere. It appeared, that the trust funds sent for the support of the colony had been shamefully wasted.

After remaining about two weeks at Savannah, the General set out for the south; but Mr. Causton, who was employed in making up his accounts, took occasion to intimate, that the waste, of which so much had been said, was owing to the General's orders, and he himself was made the sacrifice for crimes of which another was guilty. It was necessary, in the excited state of the colony, that such insinuations should be contradicted at once; and, therefore, the General returned without delay, reaching Savannah unexpectedly, as the bell was ringing for morning prayers, which he attended. It was well for Causton that he returned at such an hour; for, in the evening, he sent for him, and, instead of that severity

which might have been expected, from his impetuous nature, under such a provocation, he gently cautioned him to use no more such freedom with his name; but gave him full permission to produce all his correspondence with him, and recommended to him to lose no time in settling his account, since all delay was giving impressions to his disadvantage.

The General's commission as Commander-in-chief gave him authority in Carolina as well as Georgia. He therefore proceeded to Charles-town on the 10th of March, 1739, and on the 3d of April, his commission was read in the General Assembly. On the 11th, he returned to Savannah, where he was concerned to see that disaffection prevailed to a great extent, on account of the necessary burdens and restrictions, and that those who were under the greatest obligations to the trustees, were loudest in their complaints against them. Meantime, the hardy Scots at Darien, and the Saltzburgers at Ebenezer, though subject to the same inconveniences, submitted patiently to evils which they knew could not be averted; and, in general, it was obvious that the dissatisfaction was greatest among the idle and unworthy members of society, who had least claim to forbearance and regard. But Oglethorpe conducted himself with the greatest dignity and modera-

tion; with all his just reasons for displeasure, he treated them with impartial kindness; enforcing the laws and protecting the interests of the colony, but never resorting to any severity where it was not imperatively required.

In all his dealings with the Indians, he had preserved their respect and confidence by his justice and kindness of bearing. Some of the warriors had waited on him with an assurance of their friendship, expressing a desire that he would visit their towns. To make sure of their fidelity, he took a journey to Coweta, one of the towns of the Muscoghe or Creek Indians, where all the chiefs were to hold a council on the 11th of August, exposing himself to hardships, which would have been intolerable to any but a man of hardy habits and steady resolution. The way led through a wilderness, where there was no road at all, and often no visible track.

After smoking the calumet, they declared that they remained firm in their faith to the King of Great Britain, and that they would faithfully abide by all the engagements into which they had entered with General Oglethorpe, in the name of the trustees. They renewed the former grants, extending the southern boundary to the River St. John. The General bound himself, on the part of the English, that they should not

encroach upon any other lands, and that all the reserved privileges of the Creeks should be faithfully respected, while the trade between them should be conducted with fairness and honor.

This treaty was concluded on the 21st of August, 1739, after which the General, with his attendants, set out on their return. After enduring the same hardships as before, he reached Fort Augusta on the 5th of September; there he was met by a deputation of chiefs of the Chicasaws and Cherokees, the latter of whom complained that their people had been poisoned by the rum sold them by the traders. It appeared, on investigation, that some unlicensed traders had introduced the small-pox among them, and that some of the warriors and others had taken it and died. He succeeded with some difficulty in explaining to them the nature of the disease, and assured them that from licensed traders no such dangers need be apprehended, as they were rigidly examined before they were permitted to go into the Indian country. With his explanations, supported by his well-known character, they were satisfied, and went away in peace.

In the autumn of the same year, Tomo Chi-chi, the steady friend of the Georgians, died of a lingering illness, though nearly a hundred

years of age. He was a man of great intelligence and much generosity of feeling ; he had always been liberal in his grants and presents, and had served the colonists well by his good offices with other Indians. He saw that the interest and welfare of his people required them to keep on good terms with the English, and, with General Oglethorpe for their leader, whom he held in the most affectionate veneration, he knew that the confidence of the weaker party never could be betrayed. He died at his own town, four miles from Savannah, and was sensible to the very last, exhorting his people to maintain their friendly relations with the colonists, and only regretting his death at the time, because there was a prospect of his being useful against the Spaniards had he lived. He desired that his body might be buried in Savannah, as he had prevailed on the Creeks to grant the land for the town, and had assisted in laying its foundations. His remains were treated with the utmost respect, and followed to his grave, in the public square, by the General himself, with his officers and the magistrates of the town. The General ordered a pyramid of stone to be erected over him ; but a late writer, himself a Georgian, asks the significant question, “Where is his tomb ?”

## CHAPTER X.

*War with Spain.—Spaniards land on Amelia Island.—Oglethorpe enters Florida.—St. Augustine invested.—Failure of the Attempt at Assault.—The Fleet fail to coöperate, and the Enterprise abandoned.*

THE British minister, up to this time, had been successful in maintaining his policy, which was to secure the prosperity of his country by keeping it at peace with other nations; but the clamors of interest and party prevailed at last against his better judgment, and the nation was hurried into a thoughtless and bloody war. On the 13th of September, news reached the General, that the Governor of Rhode Island had issued commissions for fitting out privateers against the Spaniards; and on the 22d, by which time he had returned to Savannah, he received and published similar orders. He was not sorry to be directed to injure the Spanish settlements with all the means in his power; since he had long been persuaded in his own mind, that the Spaniards were making preparation, and waiting the opportunity, to seize the province of Georgia, and thus to deprive his country of all the benefit of his labors.

He saw, however, that he was placed in a difficult and dangerous position, and that it was only by the most diligent efforts he should be able to secure his people. It was on Georgia that the first vengeance of Spain would be likely to come, and all his military force would hardly be able to resist them. He therefore summoned the Indian warriors to his aid, four hundred Creeks and six hundred Cherokees, to proceed to the southern frontiers. A company of rangers was formed, to prevent invasion by surprise on shore, and also to stop the fugitive slaves from Carolina, who might be passing over to the enemy. At the same time the militia were reviewed, equipped, and put in order to render the best service in their power. But, knowing how little this was, he applied to the Assembly of Carolina for assistance, and suggested to the naval officers on the station the advantage of blockading St. Augustine, before reinforcements and supplies from Havana could reach it.

It was not long before hostilities began. In November, a party of Spaniards landed on Amelia Island, where they secreted themselves till morning, when they fired upon two Highlanders, who went into the woods for fuel, and not only killed them, but mangled their bodies with swords or knives. The firing was heard

by the officer in command of the scout-boat, who made signal to the fort, from which a party proceeded to the spot; but it was too late; the Spaniards had already escaped by sea. The General immediately pursued them; but, not being able to overtake them, he crossed the St. John into Florida, charged and defeated the Spanish cavalry, stationed as a guard on that river, and took accurate observation of all the military works of the enemy. Being unable to make himself master of them for want of artillery, he returned to Frederica, procured the force and cannon which were wanted, took the two forts of Picolata and St. Francis, and made the garrisons prisoners of war.

The prisoners were closely examined respecting the condition of St. Augustine; from them the General learned that the galleys had been sent to Havana for provisions, which were much needed, and that the river and coast were left undefended. He immediately applied to Lieutenant-Governor Bull, of South Carolina, first by letter, and afterwards in person, proposing an expedition against that place, for which the time seemed so favorable. After some delay, an act was passed by the Assembly for raising a regiment of four hundred men under Colonel Vanderdussen, a troop of rangers, presents for

the Indians, and three months' provisions, together with a large schooner bearing twenty-six guns, under the command of Captain Tyrrell. Having made these arrangements, and secured the coöperation of the British Commodore on the station, the General published his manifesto, in which he stated the object of the expedition, and engaged, that whatever share of plunder might come to himself should be appropriated to reward those who distinguished themselves, and to support the widows and orphans of those who fell.

After proceeding to the Uchee Town, to request that the chiefs and warriors might be summoned, he returned to Frederica; where having completed the equipment of his forces and provided cannon, stores, and provisions, he took with him four hundred men and a party of Creeks, and with them passed over into Florida.

His first object was to cut off the communication between St. Augustine and the surrounding country. For this purpose, he took the small fort, called Francis de Pupa, at seventeen miles' distance. Thence he proceeded to Fort Diego, twenty-five miles distant, which he took by a stratagem, which saved the loss of blood; directing his men to show themselves in the woods

in such a manner as to give the impression of a great force. The garrison, when summoned to surrender, did so without delay, only stipulating that they should be treated as prisoners of war, and not delivered into the hands of the Indians, whose revenge for former injuries they had good reason to dread. They delivered up their cannon with the ammunition, but were allowed to keep their baggage; and the planter, who had built the fort at his own expense, was allowed to keep his plantation and slaves. A garrison of sixty men was left in the fort under the command of Lieutenant Dunbar. Meantime Colonel Vanderdussen, with the Carolina troops, and Captain McIntosh, with a party of Highlanders, had arrived; while six Spanish half-galleys, armed with long brass nine-pounders, manned with two hundred soldiers, and followed by two sloops laden with ammunition and provisions, had entered the harbor of St. Augustine, increasing the force and means of the enemy so much as to make it very difficult to dislodge them.

There was no hope of succeeding by a siege from the land side, because the force was insufficient, and pioneers were wanting. The only thing that seemed practicable was a combined assault by land and sea. The General concerted a plan with the naval officers, by which, when

they arrived off the bar of the northern channel, he should march up to St. Augustine with his whole force of about two thousand, and that signals should be exchanged, to show that each party was ready to begin. On the night of June 4th, he marched, taking and destroying Fort Moosa, three miles from St. Augustine, which he encountered on his way. He made the signal of his own readiness; but it was not answered from the fleet, it having been ascertained on board that, owing to the position of the Spanish galleys, their boats could not reach the shore.

This was a severe disappointment; but the General resolved to secure the benefit of the presence of the fleet, by turning the siege into a blockade, and cutting off all supplies from St. Augustine, both by land and sea. Colonel Vanderdussen was ordered to take possession of Point Quartell, near the mouth of the harbor opposite Anastasia, while Colonel Palmer was ordered to scour the woods, avoiding all conflict with the enemy, and taking all possible precautions against a surprise.

There was a fortification on St. Anastasia, which commanded the entrance to the harbor. It was determined to take possession of this, which would give the smaller vessels admission to the harbor, though the water was not deep

enough for the ships. The General took with him the Indians and two hundred soldiers, who were joined by an equal number from the fleet. The Spaniards were vigorously attacked, and soon defeated; but the possession of the battery proved of little service, from the want of proper materials for the works and the unfitness of their cannon, only a few of those which were promised having yet arrived.

But this success on one side was more than balanced by severe loss on the other. Colonel Palmer, an officer of activity and courage, but imprudent and careless, did not regard his orders, which were to keep in constant motion, and never to rest two nights successively on the same spot. He took his station on the dismantled Fort Moosa, where he was attacked by a party of five hundred men, Spanish, Negroes, and Indians, early in the morning, on the 15th of June. He fell at the first fire of the enemy; his men succeeded in retreating through the surrounding force, with the loss of more than half their number. The Highlanders, who were most of them engaged, fought with great desperation. Their chief officer, John More McIntosh, was taken prisoner, and basely treated in the dungeons of Spain, to which he was transmitted. One of the Indians was delivered to the Yamassees to be burned; but General Oglethorpe sent

a flag, with a message from a Cherokee chief, with the assurance, that, if the captive suffered, a Spanish prisoner should suffer the same fate. At the General's suggestion, the rule was then established that all Indians, taken on either side, should be treated as prisoners of war.

Discouraging as the prospect was, Oglethorpe continued to bombard the castle; but some sloops from Havana, with a reinforcement of men, and supplies of stores and provisions, found their way into the harbor through the narrow channel of the Matanzas, thus cutting off all hope of starving them into submission, and making their strength far superior to his own. As a last resort, then, it was determined that Captain Warren, with the boats from the men-of-war and the Carolina militia, should attack the galleys, while the General should assault the trenches on the land side, for which purpose he collected all his force with ladders, fascines, and all the necessary preparations. Whether the attempt, if made, could have succeeded, is very doubtful. St. Augustine was defended by a castle of stone with four bastions, the curtain sixty yards in length, and mounted with fifty pieces of cannon, sixteen of which were brass twenty-four pounders. The town was intrenched with ten salient angles, on which were cannon. The number of regular troops

was thirteen hundred and twenty-four, beside the militia and Spanish Indians. But he was not destined to try the experiment; for, with discretion which always seemed to exceed his valor, the Commodore again thought it prudent to forbear, inasmuch as the hurricane season was approaching, and it was his duty to keep out of the way of danger; a duty which was faithfully performed.

It was obvious that the enterprise must be abandoned, and the General reluctantly consented to retire. He was himself worn down by a fever, and his men were sinking with fatigue. The Carolina troops, dispirited by ill success, took occasion to march away. By the 4th of July, everything was reëmbarked, and the army returned to Georgia. One of the Indian chiefs, on being advised to retreat with the garrison, said, "No! I will not stir a foot till I see every one of my men marched off before me. I have always been first to go towards an enemy and last to go from them."

The enterprise was unsuccessful, but not without its good results. It placed the Spaniards on the defensive, and thus prevented those incursions into Georgia, for which, it was supposed, they had been preparing, and which, had they taken place, would probably have ruined the

colony, which was already shaken by the discontent and uneasiness of the settlers.

The military reputation of the General did not suffer in consequence of the failure of this expedition, the difficulties of the enterprise being fully appreciated, and his own courage and activity generally known. It was acknowledged, that he endured more hardships than any of his soldiers; and, in every danger, he exposed himself to a double share. It was impossible for him, however, to make his new troops efficient, at so short a warning; and the movements of the naval officers, to which so much of the disappointment was owing, were wholly beyond his control. If reflections had been thrown out against him, he would have been consoled by what was said of him in the House of Lords, by the Duke of Argyle, a great authority in matters of war; "One man there is, my Lords, whose natural generosity, contempt of danger, and regard for the public, prompted him to obviate the designs of the Spaniards, and to attack them in their own territories; a man, whom, by long acquaintance, I can affirm to have been equal to his undertaking, and to have learned the art of war by a regular education; who miscarried in the design only from a want of the supplies which were necessary to a possibility of success."

The unfortunate result of the expedition to St. Augustine, as usual in such cases, was followed by much recrimination between parties, who had not been too friendly before. It was not owing to any real defect of conduct on his part, but to the resentment occasioned by the terms in which he censured the Carolina troops, from whom he should not have expected the mechanical obedience and efficiency of regular soldiers. There was, indeed, something to censure, both in the supplies furnished by that province, and the behavior of those who were sent; but, perhaps, a commander less impetuous and open-hearted would have remembered that Georgia and Carolina could only sustain themselves by firm union, through the common danger to which they were likely to be exposed. It was found, accordingly, that the latter province was afterwards somewhat cold and unsympathizing, when danger threatened the former; though much must be ascribed to a desolating fire, which broke out in Charlestown, destroying three hundred of the principal houses, and consuming property to an amount, which was estimated at two hundred thousand pounds; which, for a province in that stage of its existence, was a withering blow.

## CHAPTER XI.

*State of Things at Savannah.—Complaints of the Settlers.—Whitefield and his Orphan House.—Troubles with the Spaniards.—Application to South Carolina for Assistance.*

THE year 1741 was passed in comparative repose, so far as military operations were concerned; but, as the danger threatened from the south, the General established himself at Frederica, which was then a flourishing place, with about a thousand inhabitants, in order to be near the frontier, in case of invasion. He built a cottage, on the borders of a broad meadow, near the town, where it was overshadowed with oaks on one side, and commanded a rich prospect on the other. Attached to it was a garden, with an orchard for oranges, figs, and vines. The town and its fortifications were in full view from the windows, so that he could enjoy a quiet retreat, and, at the same time, be in readiness for active service at the shortest warning. This cottage, with fifty acres of land connected with it, was all the real estate which he ever held in America. So many recollections of interest are now connected with his name,

that it is a subject of regret, that the place should have passed into the hands of those, who cut down the oaks, and changed the beauty of the scene.

At times, he visited Savannah; but there was much in that place to give him dissatisfaction. The vicinity of South Carolina, where the slaves were to the whites in the proportion of four or five to one, created perpetual uneasiness in those who wished to be relieved from the necessity of labor; and the taste for complaining, once excited, found many subjects for its exercise, since all that the trustees could do in the way of concession only gave the feeling, that more might be gained, if they made more importunate demands. Dr. Tailfer was a sort of high priest of insubordination; and every one who was unprosperous, from any cause whatever, was easily persuaded that his depressed circumstances were owing, not to imprudence on his own part, nor to the appointment of Providence, but to the vicious arrangements of the social system, established by the trustees, in which, unfortunately, there was just enough of error to give a color of truth to all that they could say against its operations.

Under these circumstances, many were constantly leaving the province, thinking, by removing from Georgia, to escape all their cares and

sorrows. On one of his visits, the General was received by forty freeholders; upon which he expressed his joyful surprise to find that there were so many who had not yet run away. One of the leading malcontents was the son of Colonel Stephens, who appears to have had some cause of personal resentment, arising from his connection with some affair, in which his agency was misunderstood. But the great evil was, that every cause of private dissatisfaction was ascribed to the government, or to the General, and went to swell the list of public wrongs. The hardships of the settlers were, doubtless, greater than their injuries; but the great privation was that utter exclusion from all concern in public affairs, which certainly was not consistent with the just expectations of Englishmen, and which gave them the feeling that they were anything but free.

The state of morals in Savannah, at the time, was such as is always found in a community which does not prosper. Though ardent spirits were prohibited by law, they found their way into the province, and enabled many to drown, at once, their conscience and sense of wrong. Colonel Stephens's Journal mentions, as common occurrences, many circumstances of domestic history, which could not be in the same city at the present day; a violation of domestic faith, and

open defiance of shame, even in some men of standing, which gives the darkest impression of the state of public morals. The influence of the base women, who set themselves in opposition to the Wesleys, bears the same testimony. Such things could not be in that, nor any other place in this country, at the present day.

It is curious to read Colonel Stephens's remarks on Whitefield, who was then preaching at Savannah. The secretary, who was a zealous friend of the church, had no great sympathy with one who cast aside the surplice, and made extemporaneous prayers of more than an hour. The preacher threw open contempt upon what had been most respected, inveighing against the writings of Archbishop Tillotson, and saying that "the author of the *Whole Duty of Man*, he verily believed, had sent thousands to hell."\*

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\* There is an anecdote in point respecting Whitefield and the celebrated "Tutor Flynt," who, for the long term of fifty-five years, was a tutor in Harvard College. When Whitefield visited the college, it devolved on Mr. Flynt to show him the library, and he drew the attention of the preacher to the works of Tillotson, and of several other eminent English divines, which stood upon the shelves. "*Ah, I shall never meet those men in heaven,*" said Whitefield. "*Perhaps it will not be their fault,*" replied the venerable tutor.

When Whitefield made his second visit to America he met with a strong spirit of opposition from some of the

Regeneration was his subject, from Sabbath to Sabbath ; he told his hearers, that, if they were regenerated, the heat of the sun upon their bodies would not be more evident to them, than the operations of the Spirit upon their souls. He did not confine his labors to the church ; knowing that some of the men of influence were living in open defiance of morality and shame, he went into the court, and made an address to the grand jury, urging them to present all such offenders, without partiality or fear ; since the miserable state of the colony was doubtless owing to divine displeasure against their sins. In every thing, he was perfectly unrestrained

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New England clergy. The President and faculty of Harvard College deemed it their duty to publish a manifesto against him, to which they all subscribed their names. Whitefield wrote an answer, and a war of pamphlets ensued. He could not gain admittance into the meeting-house at Cambridge, and he preached in the open air to the students, and such others as chose to be present, under an elm-tree, at the south-west corner of the Common ; the same tree, under the shade of which Washington, thirty-one years afterwards, first drew his sword in the cause of the revolution, on taking the command of the American army, July 3d, 1775. From this circumstance, the tree has since been called the *Washington Elm*. The last time that Dr. Holyoke was in Cambridge, then nearly a hundred years old, while passing this tree with a friend, he mentioned that he heard Whitefield's sermon, being, at that time, a student in the college.—ED.

and independent ; he built his Orphan House on a large scale, without taking counsel with any one, and when it was completed, he gathered all orphans into it, whether otherwise provided for or not. There was great complaint, that some were thus taken from families where they had been contented and useful. The General wrote, that he had misunderstood the orders of the trustees ; but he signified at once, that he cared not for the General nor any other man, but should do without hesitation what he thought his duty.\*

After the late incursion into Florida, the General kept possession of a southern region, which the Spaniards had claimed as their own ; and, as they had taken encouragement from the successful defence of St. Augustine, and the well-known dissensions on the English side, it was to be expected that they would embrace the earliest opportunity of taking their revenge. With this expectation he kept scout-boats always on the watch, to give warning of the approach of any vessel to the shore. On the 16th of August, news was brought him, that a large ship had come to anchor off the bar. The boat, which was sent out to ascertain its character,

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\* Stephens's *Journal*, Vol. II. pp. 257, 270, 294, 308  
Vol. III. pp. 77, 98

reported that it was manned with Spaniards, and appeared to have come with some hostile design. Hearing this, he went on board the guard sloop, taking with him the sloop *Falcon*, which was in the service of the province, and hiring the schooner *Norfolk*, Captain Davis, to accompany the expedition. On board these vessels he placed a detachment of his regiment, amounting to one hundred and thirty men, with their officers. They immediately set off in pursuit of the stranger ; but before they came to the bar, they encountered a sudden storm of rain and thunder ; and when the atmosphere was clear again, the ship had disappeared.

As the preparation had been made, and the fugitive might possibly be overtaken, he sailed with his little fleet along the Florida shore. On the 19th, the *Falcon*, being disabled, was sent back with seventeen of the soldiers ; the guard sloop and schooner proceeded on their way. On the morning of the 21st, a ship and sloop were seen at anchor, at some leagues' distance. As there was no wind, the English vessels made their way toward them with oars, when it was ascertained that one was the black Spanish privateer sloop, under the command of a Frenchman, Captain Destrade, who had made several prizes at the northward ; the other was a three-mast ship ; both lying at anchor outside

the bar of St. Augustine. The General gave orders to board them. They began to fire with cannon and small arms. When the English returned the fire, they slipped their cables, and ran over the bar. The English pursued; but, after engaging them for an hour and a quarter, they were unable to board them, and the enemy's vessels sought protection from the town. The galleys fired upon the English with nine-pounders, without doing them any injury, while the opposite party appeared to be disabled by the fight.

Finding it impossible to reach them, the General came to anchor within sight of the castle, and the rest sailed for the Matanzas; but, finding no vessel there, he cruised off the coast, till he ascertained that no vessel was there, and then returned to his own quarters.

The storm, which had been so long anticipated, burst upon the colony in the year 1742. The Spaniards had always looked upon it with jealousy and suspicion; and, since the attempt on St. Augustine, and the Indian inroads connected with it, their displeasure had been sharpened into a steady purpose of revenge. For this purpose, they fitted out, at Havana, a fleet, said to consist of fifty-six sail, and seven or eight thousand men. The force was probably not quite so great; if it was, it did not all reach

its destination ; not by any interruption from the English fleet, which, as usual at the time, was out of the way when it was most wanted, but from the effect of a storm, which dispersed the vessels, so that only a part of the whole number succeeded in reaching St. Augustine. The force was there placed under the command of Don Manuel de Monteano, the Governor of that place, who was to conduct the expedition into Georgia.

At the beginning of the summer, the schooner, which was kept constantly cruising on the coast, brought information to the General, that there were two Spanish twenty-gun ships, two large privateers, and a great number of smaller vessels filled with soldiers, lying off the bar of St. Augustine. This news was soon confirmed by Captain Haymer, of the *Flamborough* man-of-war, who had fallen in with the armament off the coast of Florida, and had succeeded in driving some vessels on the shore.

As it was evident that the danger was at hand, but not quite certain where the blow would fall, the General wrote to the Commander of his Majesty's ships, which were quietly reposing in Charlestown harbor, urging them to hasten to his aid. Lieutenant Maxwell arrived in Charlestown, and delivered the letter on the 12th of June. He also sent Lieutenant Mackay

to Governor Glenn, of South Carolina, requesting his immediate assistance. This despatch arrived on the 20th of June. But neither party answered the application; the fleet, because it was not their custom to go where their comfort, and perhaps their lives, might be endangered; and the government of the colony, because they thought it better to fortify their own seaport, and keep their forces at home, than to leave their own province unguarded, for the sake of aiding their neighbors. Perhaps certain angry feelings had their share in producing this result, which was neither wise nor honorable; since, had Georgia fallen; nothing could have saved South Carolina from a similar fate. In Virginia, a better policy prevailed; the Assembly there resolved, at once and unanimously, to send a naval force to the assistance of General Oglethorpe. It was prepared as soon as possible, but not in time to reach the scene of action before the danger was past.

The fleet made its appearance on the coast of Georgia on the 21st of June. An attempt was made by nine vessels to take possession of the Island of Amelia; but the guns of Fort William, and the guard schooner of fourteen guns, under the command of Captain Dunbar, received them with so warm a fire, that their purpose was abandoned. The General thought

it necessary, when he heard of this attack, to do something to sustain the fortifications on Cumberland Island ; he went, for that purpose, with three boats filled with soldiers, but, in order to reach his destination, was obliged to make his way through fourteen of the enemy's ships. This careless exposure of his own person was one of his defects as a military chief. It answered good purpose in encouraging his men, perhaps ; but his courage was unquestioned, and, had he fallen in the fire which was poured upon him, there was no one who could have succeeded to an authority, which, even with his high character, it was difficult to maintain, so that his own death would have brought ruin to his colony, and injury and dishonor to his country. Happily, he passed safely through the vessels, under the cloud of smoke, and succeeded in the object of his voyage, reinforcing Fort William with the men and supplies which he withdrew from Fort Andrews, the other fort on Cumberland, not thinking them equal to the defence of more than one.

As there was no very flattering prospect of aid from abroad, the General proceeded to make the best of the resources within his reach. He took for the King's service a merchant ship called the *Success*, manned it with the crews of smaller vessels, and placed it under the com-

mand of Captain Thompson. The Highlanders were summoned from Darien, together with the rangers and marines, and, on the 28th of June, the Spanish fleet made their appearance off the bar; but the navigation required constant sounding, which delayed them several days; during which time the General was able to organize another company of rangers, and to raise the spirits of his troops by offers of reward, and by manifesting a confidence in his ability to resist the invaders, which probably he did not feel. It was one of those occasions on which his sanguine temper gave him an advantage. It always rose with the exigency; and while in unexciting times it was somewhat hasty, in the presence of great difficulty and pressing danger it was always collected, dignified, and firm.

He was obliged, at this time, to execute as well as give orders; for, in a letter to the Duke of Newcastle, mentioning his application to Governor Glenn, he says, "Lieutenant-Colonel Cook, who was engineer, and was then at Charlestown, hastened away to England; and his son-in-law, Ensign Erye, sub-engineer, was also in Charlestown, and did not arrive here till the action was over; so that, for want of help, I was obliged to do the duty of an engineer." There was a mystery in this absence, at such a time, which threw a dark shade over the fame

of that officer, and no subsequent inquiry tended to remove it. The General was obliged to promote Major Heron to command on the station, raising him to the rank of Lieutenant-Colonel, his own duties requiring him to visit various places, and to be absent a part of the time.

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## CHAPTER XII.

*Spanish Fleet approaches Frederica. — Spaniards fall into an Ambush. — Battle of the Bloody Marsh. — Defeat of the Galleys. — Spy in the Camp. — Breaking up of the Spaniards.*

IT was on the 5th of July, that the Spanish fleet, consisting of three ships of twenty guns, two flat boats, three schooners, four sloops, with more than twenty half-galleys, with soldiers on board, entered the harbor with a favorable wind and a flood tide. After exchanging a cannonade with the fort for about four hours, they passed the fortifications, and made their way up the river. Their object was to land their men at Gascoigne's Bluff, a peninsula which could not be defended; and it was hoped that the many obstacles of marsh and forest which

must be passed over, in order to reach Frederica from it, would prevent the enemy from using it to any great advantage. The distance was but four miles, by water, from the Bluff to the town ; but the course of the river was winding, and, in making the tack which would be necessary, the vessels would be exposed to the fire of the English batteries. A large body of troops, said to be five thousand, which is not probably too large an estimate, were landed at this peninsula, a little below Gascoigne's plantation. A red flag was hoisted on the mizzen-top of the Admiral's ship, and a battery of twenty heavy guns was immediately erected on the shore.

After the General had done all in his power to prevent the landing of the enemy, and it was found that the fort at Simons had become indefensible, he called a council of his officers, in which it was determined that the fort should be abandoned, the guns spiked, the cohorns burst, and the troops drawn away at once for the defence of the town. They marched immediately to Frederica, and all the soldiers on board the vessels were recalled to the shore. Scouting parties were sent in all directions, to watch the movements of the Spaniards, and all hands were employed in strengthening the fortifications, which, it was supposed, would be assaulted without delay.

The Spaniards made many attempts to penetrate the woods between the Bluff and the town, for the purpose of assaulting the fort ; but the services of the Indians, who were most at home in that kind of warfare, were found sufficient to prevent them. There was but one road by which they could advance ; it had been cut, a part of the way, through a tangled and impenetrable forest, and then ran, for some distance, with the deep forest on one side and a miry marsh on the other. It was a narrow path, through which only two could move abreast, and it was impossible to take either cannon or baggage with them. As often as they attempted this passage, they were intercepted by an ambush, either of Highlanders or Indians, till the men were discouraged, openly declaring that no earthly powers could force their way to Frederica, whatever those of darkness might be able to do.

On the 7th of July, a scouting party fell in with, and made prisoners of, some Spaniards, who had been sent to explore the road in question. They gave the information that the Spanish army was in motion, which news was sent by an Indian runner to the General, who sent Captain Dunbar, with a company of grenadiers, to join the regular troops, while he himself followed with the Highlanders and Indians. With

this force, he encountered the enemy, who had already proceeded about half way from their camp toward the town, and, assaulting them with great spirit, soon put them to the rout, with the loss of forty of their Indians and one hundred and forty of the best of their troops, who were accustomed to fighting in the woods. Two of them he took prisoners with his own hands; Captain Sachio, who commanded the party, was also taken by Lieutenant Scroggs. Toonahowi, the nephew of Tomo Chichi, had command of a hundred Indians in the action; he was shot through the right arm by Captain Mageleto; with his left hand, he drew his pistol, went deliberately up to the Captain, in the face of the enemy, shot him through the head, and returned with satisfaction and composure. The enemy were pursued for a mile, and, when the troops were come up, they were posted, together with the Highlanders, in a wood fronting the road, by which the main army, if they advanced, must necessarily come. Having arranged this ambush, he returned to Frederica, to bring up all his men that could be spared to the engagement, which was hourly expected.

Meantime, Captain Antonio Barba, and two other officers, with two hundred infantry, one hundred grenadiers, with Indians and negroes, advanced with great confidence, and halted

within a short distance of the place where the General had stationed his party. They stacked their arms, made fires, and were preparing their food, when a horse detected the presence of the concealed party, and betrayed his alarm to his master. The Spaniards seized their arms, and made immediate preparations for the fight; but, before they could make themselves ready, they were shot down in great numbers by their unseen foes, and after their officers had done all they could to form them, with great exposure of their own persons, but without success, they were obliged to fly, leaving their arms and baggage, and in such haste and confusion, that many of them were actually shot down with the loaded muskets they had left behind.

As Oglethorpe was returning from Frederica, he heard the distant firing; and while yet two miles from the scene of action, he met his two companies, with the great body of his Indians, who told him that they had been assailed in the wood by the whole Spanish army, and were retreating, defeated and broken, as a heavy shower of rain and the clouds of smoke had prevented their seeing their enemies. He rallied them at once, with sharp reproaches for their weakness, and ordered them to follow him to some strong point, where the Spaniards must be resisted, or all would be lost.

Depending on his familiarity with the ground, he trusted to retrieve the fortune of the day, and hurried forward till he reached the scene of action, where he was happily surprised to see what the result of the engagement had been. The side of the marsh was covered by two hundred grenadiers, who lay dead or dying on the field, while not a living enemy was anywhere in view. All was still, except an occasional Highland shout or Indian yell, which gave notice that another Spaniard had been discovered.

It appeared, that, in a first attack of the Spanish force, a panic had seized the men, from the apprehension that the enemy, so greatly superior in force, would take possession of the defile, and cut off their retreat. Under the influence of this alarm, they gave way, and the Highlanders reluctantly followed. But, while a portion, the same who were rallied by the General, continued their retreat, Lieutenants Sutherland and Mackay, who commanded the Highland rear-guard, agreed to do what they were able, to save their party from ruin and dishonor, and therefore returned through the underbrush of the forest, and took their station as before. They had hardly reached the ground, and concealed themselves, when the Spaniards advanced with the grenadiers, their most effi-

cient corps, in the van. Seeing the foot-prints of the retreating troops, and seeing that their right was protected by the marsh, and their left, as they supposed, with an impenetrable wall of brushwood, with a border of dry, white sand, they sat down to take that refreshment, which their long service rendered necessary, under the impression that the danger was over, and the victory secured to their side. At that moment, a horse was alarmed by the Highland cap, which was lifted as a signal, and a deadly fire was poured in from the wood. Those who attempted to escape by the road were met and hewn down by the Highlanders with broadswords. Others plunged into the woods, where their bones were found a long time after. When it was found, that, instead of having a fatal defeat to lament, the English had been victorious, the forest rang with their shouts and congratulations ; and the battle of the "Bloody Marsh," as it was called, while it gave them all the encouragement, which they so much required, supplied an exciting subject for the legends of after times.

Oglethorpe made use of this victory to encourage the hearts of the settlers, which had begun to fail ; but he was better acquainted than they were with the true state of affairs, and he inclined, with all his fortitude, to doubt whether the defence could be carried through.

From Carolina, to which he had a right to look for sympathy, he received no aid whatever; he was left, with his slender means, to fight her battles as well as his own.

On the 11th, an attempt was made by the galleys to reach the town by water, since the approach by land had been attempted in vain. The galleys came within gun-shot; but bombs were thrown upon them from the fort, and so heavy a fire poured in from the fortifications, that they were compelled to retreat. The General himself led the pursuit, with boats manned with soldiers of the regiment; he followed them till he had brought himself under the guns of the fleet.

On the 12th, some encouragement was afforded by the statements of two English prisoners, who made their escape from the Spaniards, one from the camp, the other from the fleet. They reported that the enemy were dismayed by the resistance which they encountered in the outset, having no idea that any military force in Georgia would stand a moment against them. Their subsequent experience had not tended to remove the first impression. The numbers who had fallen in the Bloody Marsh; the wretched state of the wounded, who were in want of ordinary comfort and relief; the want of water, which was so great that they were put on half

allowance, which, in the summer of such a climate, was a privation hardly to be borne; the sickness, which began to prevail amongst them, and the depression which all these circumstances tended to produce, had led first to councils of war, and afterwards to separation, which became at last so hostile, that the troops from Cuba, and those from St. Augustine, encamped at a distance from each other.

It struck the General, at once, that this separation afforded a favorable opportunity to attack them, and to destroy one party by surprise, before it could receive aid from the other. With this view, he took three hundred regular troops, with Highlanders, Indians, and rangers, and, being thoroughly familiar with the woods, he led them, by night, within a mile and a half of the Spanish camp, without attracting attention. Leaving his force there, he took with him a small body of picked men, and went forward to observe their position.

While he was deeply engaged in taking down all the particulars of their situation, which it was desirable to know, on a sudden a Frenchman, who had come with his party, without orders and unobserved, fired his gun, and deserted. The Indians pursued him with all possible haste; but, favored by the darkness of the night, he succeeded in escaping to the Spanish

camp. As he would, of course, give the alarm, if it had not been already given by the report of his musket, there was nothing more to be done, but to divide the drums into different stations, so as to give the impression that a large force was present, and then to march back in silence to the town.

Determined that the deserter should gain nothing by his treachery, and thinking that the disappointment might be turned to good account, the General projected an ingenious plan for accomplishing both objects; deceiving the Spaniards and punishing the guilty. A letter was written to the deserter in the French language, as if from one of his friends in the English camp, telling him, that he had received the money promised, and that he must endeavor to give the impression to the Spaniards, that the English were weak; that he should undertake to pilot their boats and galleys up the river, and contrive to place them directly under the fire of the masked batteries; that, if he succeeded in it, he would render eminent service, and that he and the other French deserters would receive rich rewards. This letter Oglethorpe gave to a prisoner, whom he hired, by a gratuity, to pass over to the enemy, and deliver it to the Frenchman who had deserted. The prisoner found his way to the Spanish

camp, where he was immediately seized and carried before Monteano. He was asked how he escaped, and whether he had any letters. He declared that he had none; but when he was searched, the letter was found, and he confessed that he had received money to deliver it to the Frenchman. The result was, as the General had foreseen, that the Frenchman was immediately arrested as a spy; a council of war condemned him to death for his treason; it was only by the interposition of Monteano, who had employed him, and therefore felt some interest in him, that he was saved from execution.

So far as the deserter was concerned, the plan succeeded to Oglethorpe's desire; the man was sufficiently punished by his fright, and the suspicious position in which the letter placed him. In deceiving the enemy, he was yet more successful. From their former experience, the Spaniards were prepared to believe that the English were far stronger than they at first supposed. The letter conveyed the intelligence that Admiral Vernon was on his way with the English fleet to St. Augustine; that two thousand Carolina troops would immediately join Oglethorpe's forces, and if he, the deserter, could do anything to detain the Spaniards for a few days in their present station, he would be entitled to the highest rewards that the Eng-

lish King could bestow. Some of the Spanish officers suspected that the letter was a stratagem; others were persuaded that it was genuine, and that it was time for the troops from St. Augustine certainly to hasten home.

But, just at that time, the Carolina vessels, which had been sent to cruise along the coast, appeared in the distance; and, as it seemed to confirm the statements of the letter, there was no longer a doubt in any mind; a panic spread through all their forces; the troops were embarked so precipitately that the dead were left unburied, and the cannon and other stores were abandoned to the foe. On the 14th, they set fire to all the works on St. Simons and Jekyl Islands, which they had labored hard to raise; and on the 15th, the large vessels, with the Havana forces on board, stood out to sea, while the Governor of St. Augustine, with the Florida troops, took passage in the galleys and small vessels, and encamped at Fort St. Andrews, on the north end of Cumberland Island. The failure of the expedition, from which so much was expected, was now complete; and it was evidently owing to the firmness, activity, and skill of the General, who, left to his own resources by those who were bound to aid him, had shown himself equal to the exigency, and thus established the honor of his name.

## CHAPTER XIII.

*Defence of Fort William.—Oglethorpe sails to St. Augustine.—Vain Attempt to draw out the Garrison.—Charges brought against him in England.—Honorable Acquittal.—His Marriage.—Inroad of Charles Edward.—Oglethorpe appointed Major-General.—Successes of the Insurgents.*

ON the 16th, Oglethorpe pursued the retreating Spaniards ; and, thinking it not unlikely that they would endeavor to strike a last blow before they left the scene of their dishonor, he sent an express to Ensign Alexander Stewart, who commanded at Fort William, directing him to defend the place to the last extremity, and promising to come to his aid as soon as possible. As he had foreseen, the Spanish fleet appeared off Fort William, and fourteen vessels came into the harbor, requiring the garrison to surrender. This was decidedly refused. The Spaniards then cannonaded the works from their vessels, and made an attempt to land ; but a party of rangers, who had hastily marched to the aid of the garrison, encountered and repulsed them. Stewart had but sixty men ; but

he sustained himself bravely, till the arrival of Oglethorpe, when the enemy, thinking it hopeless to pursue the attempt further, desisted, and put out to sea.

There was something surprising in the whole history of this expedition. After it had been prepared with great command of resources, thoroughly furnished with the necessary means, and intrusted to approved commanders, whose thirst for glory was sharpened by desire of revenge, it ended in loss and shame to the Spaniards, while the English chief, with far inferior numbers, and those disaffected in part, suffering for want of provisions, and oppressed with the feeling that he was deserted by those whose duty it was to sustain him, had maintained himself with firmness even greater than his courage, and, in gaining renown for himself, had delivered his people from all fear of future invasion on that side. Well might Whitefield say, in one of his letters, "The deliverance of Georgia from the Spaniards is such as cannot be paralleled but by some instances out of the Old Testament."

Oglethorpe immediately issued an order for a public thanksgiving to the praise of God, who had thus delivered the people by his mercy and power. Discouraged, as the Spaniards were, by the complete failure of their enterprise, they were

not disposed to submit patiently to their disappointment and shame. Early in 1743, General Oglethorpe heard that they were making preparations for another attempt, in which they hoped to avoid the errors which had led to the defeat of the former. Having found that his government was not to be depended on, and that what was done must be done by his own resources, he thought it better to go forth to meet the blow. Taking with him a detachment of his regiment, a company of grenadiers, together with Highlanders, rangers, and Indians, he set sail in the direction of St. Augustine.

On his way to reconnoitre St. Augustine, he met with an accident, which had nearly put an end to his life. In firing one of his cannon, it burst, and a piece of a sail-yard struck the General in the face ; the blood gushed from his ears and nose in such a manner as greatly to alarm his attendants ; but after being stunned awhile, he collected himself, and encouraged his soldiers with his usual composure.

He landed, on the 6th of March, on the Florida side of St. John's River. He found there a party of Spaniards, much more numerous than his own. These he attacked with such vigor, that forty were killed, and the rest made their escape into the castle. He then marched to St. Augustine with a part of his men, having

placed the rest in ambuscade, trusting that the Spaniards would take courage from the smallness of his force, and leave their walls to pursue him. But, by some means or other, they discovered his troops, who were concealed ; and, finding that he could by no means provoke them to a battle, he drew off toward the river. After waiting there for the enemy to come to drive him from their territory, it became evident that they would not put themselves within his reach ; he therefore returned to Georgia, to strengthen his defences, and to make arrangements for going to England, where his presence was required.

After giving thorough attention to all the military works and civil affairs of the colony, he took passage, on the 23d of July, in the guard-ship, commanded by Captain Thompson. Colonel Heron, Mr. Eyre, sub-engineer, and others of the regiment, accompanied him. On the 25th of September, he reached London, to which he was summoned, to answer an impeachment lodged against him in the war-office, by Lieutenant-Colonel Cook. General Oglethorpe insisted on an immediate examination by a board of general officers ; but Colonel Cook gave in a list of witnesses, some of whom were in Georgia, others in Carolina, and, as he maintained that they were essential to establish his

charges, it was necessary to wait till their testimony could be heard. In consequence of this delay, which was very trying to the General, the court-martial could not enter upon its duties till June 4th, 1744. It required but little time to show that the whole proceeding was malicious and unfounded. After a strict examination into every specification, the court decided, that "the whole and every article thereof was groundless, false, and malicious."

It is melancholy to see that the history of General Oglethorpe's connection with Georgia should close thus with an act of self-justification, which, however successful, must have brought with it many wounds to his feelings. He was a most ardent and generous man; and after the entire disinterestedness and self-devotion with which he had given up his wealth and comfort for the sake of the colony, he could not hear the incessant accusation and complaint of those whom he had served, without feeling as if he had labored in vain. His whole object had been to establish a prosperous, contented, and happy social state, and he could not say, that he had succeeded to his desire. But this has been the history of all such enterprises; the first-fruits are seldom such as can be reaped with exultation and delight; after the first difficulties are over, and the troubled few are

melted down in the general prosperity and intelligence of the whole, the view is one which can give greater satisfaction ; but too often it happens that, by this time the eyes which would have kindled most joyously at the sight of this growing power and happiness, are forever closed in death.

Such was not the case with Oglethorpe. He was permitted to see his colonists growing up into an enlightened, energetic and prosperous community. What further interest he manifested in them and their fortunes we are not able to tell ; but it is certain, that he felt a lively attachment to America, and was one of her warmest friends ; and it could not be, that, with this concern for the prosperity of the whole people, he should have been indifferent to that part for whose sake he had labored and suffered, spending and ready to be spent for them, with that self-sacrifice which always feels the liveliest interest in the objects of its generosity, however cold and thankless they may be.

Having devoted so large a portion of his life to the service of others, it was but natural that General Oglethorpe should wish for leisure to attend to his private affairs ; nor was he to be censured, if he desired those social blessings which were within his reach, and which he was

eminently fitted to enjoy. The life of the proprietor of a large estate, interested in the welfare of his tenants, and conscious of his responsibility, can never be an inactive one; nor did he feel as if, in leaving the broader field of philanthropy, he was retiring to a selfish and stagnant repose. In 1744, he married Elizabeth, the only daughter of Sir Nathan Wright, of Cranham Hall, Essex. His chief residence was at his country-seat, at Godalming; there he spent the greater part of the year in agricultural pursuits, and, what he valued more, in improving the condition and promoting the happiness of all about him.

His winters were passed in London, at the venerable family mansion, in St. James's, Westminster, where he attended to his duties as a member of Parliament, and seized the opportunity, which he had denied himself before, of cherishing the acquaintance, and enjoying the conversation, of the distinguished men, who were there gathered into a brilliant circle, and whom the life-like sketches of Boswell have made familiar to many readers as the most cherished recollections of their former days.

But the country was in an agitated state. In 1745, Charles Edward made his romantic attempt to recover the throne of his fathers, arriving in England without any force to sustain

him, and depending entirely on that traditional feeling of loyalty, which, weak as it seems to those who live in a republic, has often proved itself one of the deepest and most disinterested, which ever possess the heart. To meet this invasion, Marshal Wade was appointed Commander-in-chief, and Oglethorpe received the commission of Major-General, having under him several companies of cavalry, one of which bore the name of the Georgia Rangers. These companies were raised at the expense of several loyal individuals, and were placed under the command of Oglethorpe, as the person most likely to employ them to advantage.

But, before the English government could rally itself to do anything efficient, the Highlanders were sweeping down, like a torrent, from their native mountains. Their spirit rose higher by reason of the hopelessness of their cause. A series of unexpected and remarkable successes gave them a confidence, which they did not feel at first; for, wherever they met the enemy, it was found, that neither discipline nor numbers could resist their thundering charge. Sir John Cope, who commanded in Scotland, proved himself entirely unequal to the occasion. After a mistaken movement, which opened the way for the insurgents to descend, unopposed, into the Lowlands, he attempted to bring them to an ac-

tion at Preston Pans, and to recover the ground that he had lost. But his well-appointed army of three thousand men was broken up at once, by a single charge of the Highlanders, with the loss of five hundred men. Never was a blow struck, which tended so much to animate the successful party, and to discourage and cast down the other. Had it not been that the clear judgment of the nation was decidedly opposed to change, so much so that sympathy was yielded up to conviction, the inefficiency of the regular army, and the wild valor of the Highlanders, would have cleared the way at once for Charles Edward to the throne of his fathers.

Neither circumstances nor character enabled Marshal Wade to do anything to resist the invaders. They advanced to Derby, within one hundred miles of London, and the whole nation was filled with dismay. Armies were collected in all directions. The Duke of Cumberland, who had been trumpeted into some sort of military reputation, by reason of that amazement with which men see anything like talent in a prince of the blood, was recalled from Germany, and placed in command of the three armies which enclosed the little band of Highlanders. The coldness of his adherents in England, and the growing disunion of the chiefs, made it necessary for Charles Edward to retreat. Upon

this the English army recovered heart; and, though they could not prevent his advance, they hoped to do something to intercept and embarrass his return.

Marshal Wade detached General Oglethorpe, on the 11th of December, with the cavalry under his command, to effect this object, while he himself kept his quiet retreat at Newcastle, out of the reach of honor or of danger. On the 13th, a great body of horse and dragoons, under Oglethorpe, arrived in Preston, after a march of one hundred miles in three days, in one of the severest seasons ever known. The Duke of Cumberland had never shown any great power, when opposed to a hostile army, but was most vigorous and triumphant when the foe was already subdued. He ordered Oglethorpe to continue the pursuit, which was done. But when he overtook the Highlanders, at Shap, his army was exhausted by its incessant labor, and it was determined, in consultation with his officers, that, instead of an immediate attack, the soldiers should enter the village, to obtain the rest and refreshment which their exhausted state required, and to make the assault in the morning.

The Duke's army was in motion, not far in the rear of his own. When it reached Shap, in the morning, it passed on, leaving Oglethorpe's force behind. From being the vanguard of the

English army, it thus became the rear. Without inquiring into the circumstances which had produced this result, the Commander-in-chief, intoxicated with triumph at the novel sight of an enemy retreating before him, and desirous to exalt his own activity at the expense of others, ordered Oglethorpe to be brought before a court-martial, for having lingered on the road. The trial took place in September, 1746, and the result, as might have been expected, was, that the necessity for the halt became evident; it was clear, that an attack, under the circumstances, would have implied both inhumanity and rashness, and the General was honorably acquitted of the charge.

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## CHAPTER XIV.

*Croker's Edition of Boswell.—His Opinion of Oglethorpe.—Johnson offers to write his Life.—His Conversation.—His political Opinions.—Appointed General of all the Forces.*

MR. CROKER, in his late edition of Boswell, in one of those notes which throw much more

light upon his own character than upon his subject, makes some empty and bitter remarks in relation to this matter, in which he infers from Boswell's expressions that Oglethorpe had in vain solicited some mark of distinction to heal his wounded feelings. Boswell's words imply no such thing ; they simply show his own opinion, that General Oglethorpe had not been treated with the consideration which he deserved, and that many inferior men were in honor preferred before him. It may have been true, that his friends felt this neglect ; but that General Oglethorpe complained, there is not the least proof, and it is disgraceful thus, from mere conjecture, to fasten a reproach upon his name.

In the whole construction of his work, Croker was thus haunted by imaginations. When Hogarth describes his first interview with Johnson, and the fierce eloquence with which he denounced George the Second, as having, with his own hand, struck from the list of the army an officer of high rank, who had been acquitted by a court-martial, Croker thinks that Oglethorpe was the person alluded to, though George the Second, instead of striking him from the list, confirmed the sentence by which he was honorably acquitted. There is no sense in such criticism and conjecture. General Oglethorpe was not employed, indeed, because he had no

purpose of leaving his country again ; but he was promoted in the very year after his court-martial, and as much employed and honored as an independent politician can ever expect to be.

The notices of General Oglethorpe, scattered through Boswell's work, are of great interest and value, because they are incidental ; and as he had no particular view to the General's character, either to raise or depress it, it is clear, that his statements, and even his impressions, may be trusted. Certainly they were those of Johnson, whose strong common sense was the most remarkable of his great powers, and who looked with sharp and searching investigation through the virtues and weaknesses of those among whom he was thrown. To General Oglethorpe he felt grateful for his applause at a time when praise was important to him ; but there is no reason to believe that his gratitude for this kind of service affected his judgment, though it inspired in him a respectful and friendly regard.

Boswell says, "One of the warmest patrons of this poem, 'London,' on its first appearance, was General Oglethorpe, whose strong benevolence of soul was unabated during the course of a very long life ; though it is painful to think that he had but too much reason to

become cold, and callous, and discontented with the world, from the neglect which he experienced of his public and private worth, by those in whose power it was to gratify so gallant a veteran with marks of distinction. This extraordinary person was as remarkable for his learning and taste as for his other eminent qualities ; and no man was more prompt, active and generous in encouraging merit. I have heard Johnson gratefully acknowledge, in his presence, the kind and effectual support which he gave to his ‘London,’ though unacquainted with the author.”

On the 10th of April, 1772, Boswell says, “I dined with him at General Oglethorpe’s, where we found Dr. Goldsmith. I started the question, whether duelling was consistent with moral duty. The brave old General fired at this, and said, ‘Undoubtedly a man has a right to defend his honor.’ Goldsmith, turning to me, said, ‘I ask you first, Sir, what you would do if you were affronted.’ I answered, ‘I should think it necessary to fight.’ ‘Why, then,’ replied Goldsmith, ‘that solves the question.’ ‘No, Sir,’ said Johnson, ‘it does not solve the question. It does not follow that what a man would do is therefore right.’ The General told us that when he was a very young man, I think only fifteen, serving under Prince Eugene

of Savoy, he was sitting in company with a Prince of Wirtemberg. The Prince took up a glass of wine, and, by a fillip, made some of it fly in Oglethorpe's face. Here was a nice dilemma. To have challenged him instantly, might have fixed a quarrelsome character on the young soldier; to have taken no notice of it might have been considered as cowardice. Oglethorpe, therefore, keeping his eye upon the Prince, and smiling all the time, as if he took what his Highness had done in jest, said, '*Mon Prince*,' — I forget the French words he used; the purport, however, was, 'That's a good joke; but we do it much better in England,' and threw a whole glass of wine in the Prince's face. An old General, who sat by, said, '*Il a bien fait, mon Prince; vous l'avez commencé;*' and thus all ended in good humor."

On Monday, April 10th, 1775, Boswell says, "I dined with him, Johnson, at General Oglethorpe's, with Mr. Langton and the Irish Dr. Campbell, whom the General had obligingly given me leave to bring with me. This learned gentleman was thus gratified with a very high intellectual feast, by not only being in company with Dr. Johnson, but with General Oglethorpe, who had so long been a celebrated name, both at home and abroad. Johnson urged General Oglethorpe to give the world his life. He said, 'I

know no man whose life would be more interesting. If I were furnished with materials, I should be very glad to write it.’’ In a note Boswell adds, ‘‘The General seemed unwilling to enter upon it at this time; but upon a subsequent occasion, he communicated to me a number of particulars, which I have committed to writing; but I was not sufficiently diligent in obtaining more from him, not apprehending that his friends were so soon to lose him; for, notwithstanding his great age, he was always healthy and vigorous, and was at last carried off by a violent fever, which often proves fatal at any period of life.’’

The only passage of this work, which gives such a living impression of all whom it describes, in which any light is thrown upon the conversation of General Oglethorpe, is this. ‘‘The uncommon vivacity of General Oglethorpe’s mind, and his variety of knowledge, having sometimes made his conversation seem too desultory, Johnson observed, ‘Oglethorpe, Sir, never completes what he has to say.’’

In a conversation at Dr. Johnson’s house, General Oglethorpe said, ‘‘The House of Commons has usurped the power of the nation’s money, and used it tyrannically. Government is now carried on by corrupt influence, instead of the inherent right of the King.’’ Upon this,

Croker remarks, "When he says that government was carried on by corrupt influence, instead of the inherent right of the King, he must mean, if he means anything, that the King ought to rule in his own exclusive right, and by his own despotic will, and without the aid or the control of Parliament, whose assent to the measures of the crown must be obtained by *influence of some kind*, or anarchy must ensue." He thinks, therefore, that the General talked nonsense; but most readers would consider it quite as well, that the sovereign should possess power in his own right, as that he should hold it by a pawnbroking system of hire and corruption.

On one occasion, Boswell says, "General Oglethorpe declaimed against luxury. Johnson said, 'Depend upon it, Sir, every state of society is as luxurious as it can be. Men always take the best that they can get.' Oglethorpe answered, 'But the best depends much upon ourselves; and if we can be as well satisfied with plain things, we are in the wrong to accustom our palates to what is high-seasoned and expensive. What says Addison, in his *Casto*, speaking of the Numidian?

"Coarse are his meals, the fortune of the chase;  
Amid the running stream he slakes his thirst;  
Toils all the day, and, at the approach of night,

On the first friendly bank he throws him down,  
Or rests his head upon a rock till morn;  
And if, the following day, he chance to find  
A new repast, or yet untasted spring,  
Blesses his stars, and thinks it luxury.””

This is interesting, because it proceeds from one who had made voluntary experiment of those simple habits of life which he thus approves. Johnson says truly of the great majority of mankind, that they always take the best they can get, and there are few, who, with luxuries within their reach, would have self-command enough not to enjoy them. But such was Oglethorpe; for the sake of accomplishing a generous purpose, he submitted readily to hardship and privation, without the feeling that he was making a sacrifice; and he found his reward in a long life of health and happiness, exempt from infirmity and pain to the last.

Dr. Warton, speaking of General Oglethorpe, said, “I had the pleasure of knowing him well;” and, in reference to Pope’s well-known couplet, he remarked, “Here are lines, which will justly confer immortality on a man, who well deserved so magnificent a eulogium. He was at once a great hero and a great legislator. The vigor of his mind and body has seldom been equalled. The vivacity of his genius continued to great old age. The variety of his adventures, and the

very different scenes in which he had been engaged, made me regret that his life has never been written. Dr. Johnson once offered to do it, if the General would furnish the materials. Johnson had a great regard for him, for he was one of the first persons, who, in all companies, praised his ‘London.’ His first campaign was made under Prince Eugene, against the Turks, and that great general always spoke of Oglethorpe in the highest terms. But his settlement of the colony of Georgia gave a greater lustre to his character than even his military exploits.”

It has been already mentioned, that he was promoted in the army, in 1747. On the establishment of the British Herring Fishery in 1750, he took a part, and became one of the Council. In pursuance of the duties of that office, he delivered to the Prince of Wales, on the 25th of October, the act of incorporation, with an address, which was printed in the public journals. In February, 1765, he received the rank of General of all his Majesty’s Forces, and, for many years before his death, was the oldest general on the staff. It does not appear from this, that he was, as Croker says, laid on the shelf; a phrase which better describes the fate of an editor’s volumes, than of Oglethorpe’s military life. That he was honored as some

others of equal merit would have been, cannot be maintained ; for he would not sacrifice his independence, and, according to Croker's theory of influence, such rewards as governments can give will be appropriated, in general, to slaves of party.

One circumstance is mentioned, with respect to this independence of spirit, which, if true, would form a graceful close to his active public life. McCall tells the story in his History of Georgia, and his account is confirmed by the patient and accurate Ramsay, though the authority on which they made the assertion can not now be discovered. It is, that when the revolutionary war began, the offer of the command in America was tendered to General Oglethorpe, who was higher in rank, as well as reputation, than Sir William Howe. He declared in answer, that he knew the Americans well ; they could never be subdued by arms ; but their obedience might be secured at any time by doing them justice ; and if he might be authorized to assure the colonies that they should be justly dealt with, he was ready to accept the command, which otherwise he should decline. Such a man was not suited to the purposes of government at the time ; he therefore remained at home, and Sir William Howe came to prove the truth of Oglethorpe's pre-

diction, that the Americans could not be conquered by arms. The story, at least, deserves to be true; it is in full harmony with his character and his well-known opinions. Well would it have been for the other generals of the British army, who lost their honor in America, if they had refused to be instruments of oppression; there was not one who gained any reputation in the war, with the exception of Cornwallis; and whatever credit as a tactician he acquired in the long southern campaign, was overshadowed by one act of blood in South Carolina, which leaves a stain upon his memory such as no time can wear away.

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## CHAPTER XV.

*Horace Walpole, Hannah More, and Burke.—Oglethorpe's Visit to John Adams.—Success of Wesley.—Oglethorpe's public Character and private Virtues.—His successful Resistance of Age.—His Death.*

THE reader of Horace Walpole, who might chance to have faith in his entertaining gossip, would not have a very exalted idea of General

Oglethorpe, to whom he pays such compliments as he usually bestowed on all who were not of his social circle or his party. To one, who makes large allowance for his prejudice and temper, his lively narrative throws light upon the history and men of his day ; but if he were so fortunate as to find a full believer, which, probably, he never did, it would lead to grotesque misapprehensions of the truth ; for what measure of true information could be gathered from him to whom Washington was a charlatan ? In the same spirit, and with the same discrimination, he represented Oglethorpe as a bully. Some instances of rashness in his conduct there undoubtedly are ; he had been trained up with the military idea of honor, and a spirit naturally ardent at times betrayed him into haste and passion, from which, in later years, he was free.

But, as Lord Mahon says, "All the stories of Horace Walpole are to be received with great caution ; his *Reminiscences*, above all, written in his dotage, teem with the grossest inaccuracies and incredible representations." It is not, therefore, necessary to say anything of his attacks on Oglethorpe, either for defence or explanation. A man's character must be judged by the prevailing direction of his life ; and no ridicule, or sneer, can touch a reputation founded on lofty philanthropy and self-denying love of

men, traits of character which Walpole was not able to understand.

Some interesting particulars respecting General Oglethorpe may be gathered from those animated passages in the letters of Hannah More, in which she describes her impressions of those high circles of London society in which she was so great a favorite in her earlier days. In a letter to her sister, in 1784, she says, "I have got a new admirer; it is General Oglethorpe, perhaps the most remarkable man of his time. He was foster-brother to the Pretender, and is much above ninety years old; the finest figure you ever saw. He perfectly realizes all my ideas of Nestor. His literature is great, his knowledge of the world extensive, and his faculties as bright as ever. He is one of the three persons, still living, who were mentioned by Pope; Lord Mansfield and Lord Marchmont are the other two. He was the intimate friend of Southern, the tragic poet, and of all the wits of that time. He is, perhaps, the oldest man, of a gentleman, living. I went to see him the other day, and he would have entertained me by repeating passages of Sir Eldred. He is quite a *preux chevalier*, heroic, romantic, and full of the old gallantry." In another letter she mentions having seen him at Mrs. Vesey's, where the Duchess of Portland and Mrs. Delany

were present, and where, she says, "Mr. Burke talked a great deal of politics with General Oglethorpe. He told him, with great truth, that he looked on him as a more extraordinary person than any he had ever read of; for he had founded the province of Georgia, had absolutely called it into existence, and had lived to see it severed from the empire which created it, and become an independent state." The respect of Burke was an ample compensation for the contempt of Walpole, in their own age; but half a century has brought with it an immense addition of authority to the compliment of the one, and taken all power to injure from the hatred and sarcasm of the other.

The circumstance, however, which most interests an American reader, is the account of his visit to John Adams, when he first arrived in England, in the capacity of minister of the United States. It shows that the General always retained his interest in this country; and, though his associations and habits of thought were not such as to encourage great confidence in popular self-government, that he was ready to show his respect for those who had resisted what they thought oppression, and made a successful effort to be free. A day or two after Mr. Adams's arrival in London had been announced in the public prints, General Oglethorpe

waited on him, as he said, "to pay his respects to the first American ambassador and his family, whom he was glad to see in England ; he expressed a great esteem and regard for America, and much regret at the misunderstanding between the countries, and felt very happy to have lived to see a termination of it."

Fifty years had been sufficient to form and ripen the fruit which it commonly requires centuries to mature. In connection with this vast and rapid development of life and power, it is interesting to think of Wesley, whose active history began in Georgia, and not with the happiest promise of success ; but his strong mind and heart, working with the energy of conviction and the inspiration of love, had not only gained him a hearing from those who at first turned contemptuously away, but also had deprived his early persecutors of the power, and even the wish, to injure, by making it clear to them, that his moving principle was regard for the souls of men. So high had his authority risen, and his influence spread, that, in this same year, he was sending over to America a commission to establish churches after his own heart, in which his own spirit should prevail, and his name be treasured with as much veneration as man should ever give to man.

The public character of the subject of this

memoir is sufficiently described in the account of his efforts and sacrifices for the welfare of others. From this it appears, that under those circumstances of prosperity which commonly harden and narrow the heart, with those graces of person and advantages of birth and fortune which so often bring utter selfishness, he turned away from the attractions of pleasure to the service of his fellow-men, and particularly of those whom other Samaritans had passed by. His views for their benefit were large as well as generous; he aimed not merely to relieve their immediate suffering, but to replace them in the field of life, from which they had retreated in despair; having no doubt that, under a new social system, more liberal, impartial, and free from ancient abuses, they could recover their energy, and become useful and happy men, forming a community, which should present an inspiring and encouraging example to the superannuated nations of the old world.

These views were such as only great minds originate; and great hearts are required to apply them to action. That they were formed in his mind by its own power, and not by sympathy with others, is evident to every one who traces the story of their birth; and no one will think of denying that they were carried out with a disinterestedness which regarded every sacrifice

as easy, and every labor light ; and which did not even complain, when its good was evil spoken of, and repaid with injury and upbraiding.

It does not always happen, that they, who are engaged in extensive plans of benevolence, are attentive also to the smaller charities of daily life, on which so much, both of happiness and character, depends. There have been some melancholy examples of inconsistency between the public and private life, even where there was no suspicion that the professed philanthropy was owing to thirst for applause. But in General Oglethorpe, there was no such disproportion. There is testimony to prove that his private benevolence was great. His tenants always found in him an indulgent landlord and a faithful friend ; far from oppressing them with exactions, he often supported a tenant, whose situation was doubtful, not merely forbearing to require his rent, but lending him money to go on with his farm.

Those small attentions to the interest and happiness of his friends, which imply a delicate humanity, that desire to shun the guilt of giving pain, and that ready sympathy with the joys and sorrows of others, which is found only in good hearts, were seen in the daily history of his life ; for, whether manifested in the form of

charity, friendship, hospitality, in all good feeling, his social kindness was always overflowing; not limiting itself to the grateful and deserving, but going forth warmly to every condition of humanity, and most familiarly present where evil could be resisted or any good be done. It was this which secured him the general respect and regard, and the strong attachment of a few friends would be enough, if necessary, to overbalance the censure of a thousand foes.

The defects of General Oglethorpe's character were of the kind which are apt to be found in active and energetic men. There have been very few men distinguished in history, in whom gentleness and force of character have been united; they are not inconsistent with each other; indeed, they require to be united to form a finished character; but for the most part it is found, that those who accomplish great things in the world are somewhat deficient in the graces and virtues, which give a charm to private life. Educated in the army as he was, and of course trained in the false ideas of honor which prevail there, he was somewhat jealous of the appearance of affront and wrong. This self-justifying illusion rather encouraged his natural haste of temper, which otherwise he might have taken pains to suppress. But, however quick to take offence, he was open to conviction, ready to

confess his error, and earnest to make reparation for all the injury he had done.

An impression is sometimes given, that he was vain of his exploits and services, and that he enjoyed being the hero of his own tale. It appears to be mere matter of inference ; it is not easy to find any authority for charging him with such folly ; it is only presumed, that one who had lived to extreme old age, after bearing a distinguished part in the field of life, would naturally fall into the habit of fighting his battles over again, and giving the chronicle of his own deeds. But it might rather be presumed that a finished gentleman, whose company was universally sought in circles which are not usually tolerant to such infirmity, had escaped the tendency to self-exaltation, which often comes with age. The complaint which Dr. Johnson made of his conversation, that he did not finish what he had to say, indicates deficiency, rather than excess ; it would hardly have been said of one, who delighted to talk much of himself and his own deeds.

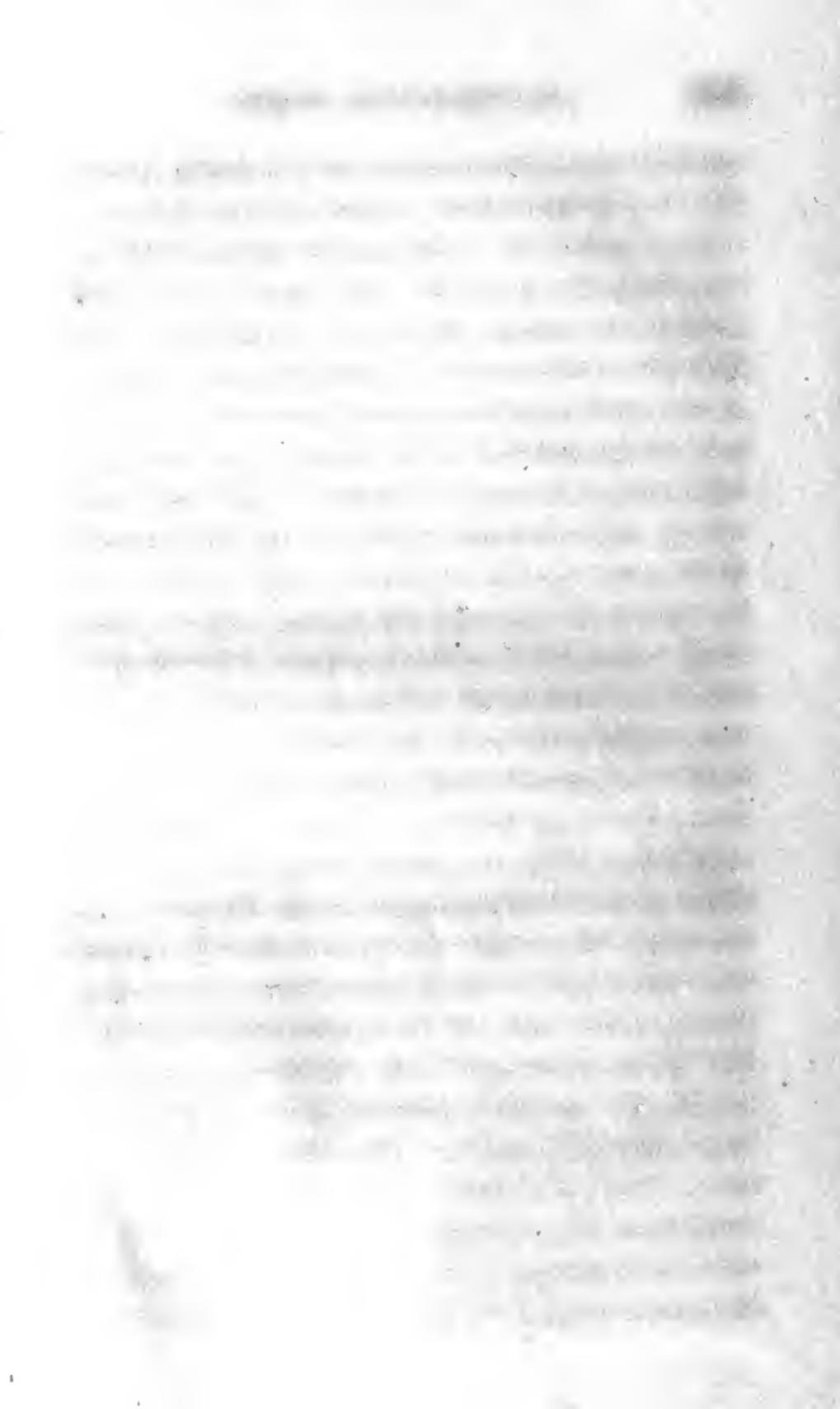
The truth is, that his mind, as well as his body, was exempt from the usual decline of age. His habits of temperance and activity saved him from bodily disease, so that his form, which was always remarkable for dignified grace, remained unbent by the weight of more than

ninety years. His senses were almost unimpaired; even his sight remained perfect to the last. By following a rigid system of self-resistance, he kept the elasticity of his mind; never suffering it to become stagnant, as many do, and thus bringing on themselves premature and needless decay. He maintained an interest in what was passing around him; he did not withdraw his concern from public affairs when time obliged him to resign them to other hands; if one set of cares and duties were no longer in his reach, he found others to engage his attention; and by this wise and faithful determination, sustained by great firmness of purpose, he was able to preserve his activity and happiness at the age when most men are either in helpless decay or in the grave.

Concerning the death of General Oglethorpe, no particulars are recorded. It was not owing, as might have been expected, to the decay of nature. He was seized with a violent fever, of which he died, after a short illness, on the 30th of June, 1785, leaving a memory which will be more honored in coming generations, than in that which immediately followed his own.

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